



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☒ City Planning Commission ☒ City Council ☒ Director of Planning

Regarding Case Number: DIR-2016-4880-DB; ENV-2016-4881-CE

Project Address: 3568 Motor Avenue, Los Angeles, California 90034

Final Date to Appeal: N/A

Type of Appeal: ☐ Appeal by Applicant/Owner
 ☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Palms Elementary Family Association, et al

Company: c/o Orange Law Offices, P.C.

Mailing Address: 3435 Wilshire Blvd., Suite 2910

City: Los Angeles

State: CA

Zip: 90010

Telephone: (213) 736-9900

E-mail: orangelawoffices@att.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self

☒ Other: Palms Elementary Family Association, et al

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Olu K. Orange, Esq.

Company: Orange Law Offices, P.C.

Mailing Address: 3435 Wilshire Blvd., Suite 2910

City: Los Angeles

State: CA

Zip: 90010

Telephone: (213) 736-9900

E-mail: orangelawoffices@att.net

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☒ Yes ☐ No

If Yes, list the condition number(s) here: all

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: Dec. 13, 2017

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$ 89.00</u>	Reviewed & Accepted by (DSC Planner): 	Date: <u>12/14/17</u>
Receipt No: <u>0302113714</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

[ORANGE]

From: "Debbie Lawrence" <debbie.lawrence@lacity.org>
Date: Wednesday, December 13, 2017 2:25 PM
To: <oluorange@att.net>
Attach: 12_11_17_OBJ_APPEAL_3568_Motor_Ave.pdf
Subject: Fwd: TIME SENSITIVE ... NOTICE OF APPEAL per Cal. PRC §21151

Hello,

Your notice of appeal was forwarded to me yesterday. In order for us to accept this as an official appeal, you will need to file it at one of our Development Services Centers. There are three: Downtown Los Angeles, Van Nuys, and West Los Angeles. You may access the appeal form on our website at <http://planning.lacity.org/>, under the Forms tab. You can fill out the form and pay the required fee at one of these centers, and it will be transmitted for processing to the Project Planning Division of the City Planning Department.

thank you,

Debbie Lawrence

--

Debbie Lawrence, AICP
 Senior City Planner
 Los Angeles Department of City Planning
 West/Coastal/South Project Planning
 200 N. Spring Street, Room 721
 Los Angeles, CA 90012
 (213) 978-1163

* Your first stop for most City Planning questions regarding your property will usually begin at the Development Service Center (DSC). Click the following link for DSC contact information:
<http://www.planning.lacity.org/PublicCounter.html>

In addition, two City Planning Department on-line systems can provide a variety of information – Zoning Information and Map Access Systems (ZIMAS) and Planning Case Tracking System (PCTS). ZIMAS provides a property's zoning designation, potential hazard zones, County Assessor's data, and economic development incentives among other information. It can be accessed at zimas.lacity.org. PCTS provides a summary of information regarding cases that were submitted to the Planning Department and can be accessed at plncts.lacity.org/cts_internet/

----- Forwarded message -----

From: [ORANGE] <oluorange@att.net>
Date: Tue, Dec 12, 2017 at 2:58 PM
Subject: TIME SENSITIVE ... NOTICE OF APPEAL per Cal. PRC §21151
To: vince.bertoni@lacity.org

Dear Madam / Sir,

12/13/2017

ORANGE LAW OFFICES, P.C.

Equitable Plaza Tower
3435 Wilshire Boulevard, Suite 2910
Los Angeles, California 90010
Tel: (213) 736-9900
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Email: orangelawoffices@att.net

12 December 2017

CITY OF LOS ANGELES
CITY COUNCIL
via CITY CLERK
200 North Spring Street,
Room 395, City Hall
Los Angeles, CA 90012
TEL: (213) 978-1133
FAX: (213) 978-1027
Clerk.CPS@lacity.org

VIA FAX, U.S. MAIL (certified) &
EMAIL (Clerk.CPS@lacity.org)

CEQA APPEAL

*(made pursuant to Cal. PRC §21151
and filed with Exhibits, pp. 001001-
001137)*

RE: Appeal of Determination by Director of Planning
3568 Motor Avenue, Los Angeles, California 90034
Case No. DIR-2016-4880-DB; ENV-2016-4881-CE

Dear Honorable Council Members:

We hereby appeal the Director of Planning's September 1, 2017, "Director's Determination Density Bonus & Affordable Housing Incentives," and all approvals, findings, exemptions and orders upon which it is based and/or subsumes in the above-mentioned case. The proposed 72.5-foot-high 3568 Motor Avenue project ("project") would have significant and adverse environmental impacts that preclude the City's reliance upon any categorical exemption for approval of the project.

I. The Persons Appealing and Objecting

This appeal is brought on behalf of the Palms Elementary Family Association,

as well as the following persons:

- a. (“Children” **identified by initials only*) A.G., K.Q., N.B., H.B., M.O., R.O., M.G., E.G., M.G., R.L., X.G., E.T., A.G., J.S., M.G., M.G., Z.J., M.V., M.V., S.T., M.B., B.G., A.G., D.A., S.G., by their *Next Friend* Derek Spencer;
- b. (“Parents”) Amy Franco, Ana Laura Antonio, Araceli Boyce, Araceli Boyce, Araceli Ibanez, Efren Gonzalez, Erika Antonio, Estela Martinez, Felicia Guzman, Janet Gutierrez, Juanita Franco, Karla Garcia, Maria Del Carmen Santos, Martha Garcia, Muna Abdulkader, Salvador Vasquez, Sarah Strohecker, Violeta Garcia, Virginia Garcia, Zenaida Garcia; and
- c. (“Teachers”) Brittany Dorn, Christal Lord, Sonia Salazar-Zavala, Kristen A. Ward, Shinkai Karzai, Molly Temple, Debra Breeding, Monica Davis, Mary Higashi and Derek Spencer.

II. Summary of the Bases for Appealing and Objecting

Palms Elementary is a K through 5 primary school located in a fast-developing section of West L.A., with a population of approximately 350 young children. The vast majority of its student body is composed of minority students. 82.2% of the students are classified by the California Department of Education as socioeconomically disadvantaged. 36% of the students are English learners. The school is also the site of one of LAUSD’s five Deaf and Hard of Hearing program dedicated sites, a unique and specialized program designed to address the needs of this population of young students.

Palms Elementary School is immediately adjacent to the project. Moreover, the kindergarten playground is on the fence-line of this multi-year demolition, excavation and construction project. The noise and toxins from this project, as presently proposed, will do irreparable harm to the health of these young children and teachers, as well as destroy the educational environment for the 300+ children. There is an urgent need for action from this Honorable Council requiring a full Environmental Impact Review, inclusive of an exhaustive Health Risk Analysis to protect the children and teachers at Palms Elementary School.

Section 21151 of the Public Resources Code provides, “If a nonelected decision-making body of a local lead agency certifies an environmental impact report... that certification ... may be appealed to the agency’s elected decision-making body, if any.” As the City Planning Commission and its executive officers are not an

elected decision-making body, its determinations under the California Environmental Quality Act (“CEQA”) are appealable to the City’s elected decision-making body, the City Council.

The Palms Elementary Family Association and forgoing children, parents and teachers of Palms Elementary School (“school”), located at 3520 Motor Avenue, object to and appeal the determination in this case because the approved project:

- a) was procured based upon an application to the City which fraudulently and perjurally claimed that the site of the project had not been *“developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning ...”* – knowing that the site was occupied by a dry cleaner from 1958 to at least 1985;
- b) presents an increased risk of cancer well above the acceptable SCAQMD limits to the children and teachers at Palms Elementary School;
- c) violates the City’s CEQA shade thresholds;
- d) violates the City’s CEQA construction noise thresholds;
- e) creates noise and toxins which will irreparably harm the children’s educational and environmental interests;
- f) was the result of an approval and exemption process which violated the rights of persons with disabilities; and
- g) was the result of an approval and exemption process which violated the children’s, parents’ and teachers’ procedural due process rights.

Based upon some or all of items (a) through (g) above, and as more fully explained herein below, it can be fairly argued that there are unusual circumstances whereby the project would create the reasonable possibility of significant negative effects on the environment, per CEQA Guidelines §15300.2(c). Thus, requiring preparation of an environmental impact report. Cal. PRC §21151.

III. Perjury / Fraud as to the Dry Cleaners Vitiates the Approval in its Entirety

CEQA requires full disclosure of a project’s significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these

consequences. *Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California*, 47 Cal.3d 376, 392 (1988).

In the instant case, the Project was granted a Class 32 "Infill" Categorical Exemption from CEQA based upon the application the developer, Hiro Kobayashi, submitted to the City – under penalty of perjury. In the City of Los Angeles, the Class 32 exemption affords developers an expedited process and schedule. The Class 32 exemption is not available for any project which involves potential significant environmental impacts. Additionally, a developer seeking a Class 32 exemption must be able to demonstrate that the project does not fall under the exceptions to the exemptions set forth in CEQA Guidelines §15300.2. [see Bates No. 001132, LA City Findings RE Class 32 Exemptions]. One of the conditions therein, which makes an exemption unavailable, is the use or former use of a site for a purpose which involved hazardous or toxic substances, such as a dry cleaner.

Here, the developer, Mr. Kobayashi, filed two applications to the City for approval of the Project wherein he indicated on two different occasions, under penalty of perjury, that the site of the project had not been "*developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning ...*". [see Bates No. 001086 through 001090, City Planning Application]. These representations were made even though an environmental study for the Project was mandated by Wells Fargo Bank and revealed that the site was occupied by a dry cleaner from 1958 to at least 1985.

The study further stated, "*It should be however noted that Palms Laundry and Cleaners occupied the Property since at least 1958. Since this is during a period of little or no regulatory oversight, permitting or compliance, there is still an unresolved concern about possible dry-cleaning operation conducted by Palms Laundry and Cleaners. This is identified as a potential environmental concern and significant data gap which affects our ability to determine RECs in connection with the Property.*" [see Bates No. 001091 through 001094, Environmental Study]

The result of Mr. Kobayashi's false representations was the direct benefit to him and his Project of expedited processing and approval. It is irrelevant whether a dry cleaner would ultimately be discovered to have omitted hazardous materials at the site. Under Cal Pen Code §§ 118 and 123, Mr. Kobayashi's intentional omission constitutes perjury.

"The test in a perjury charge is not that injury actually occurred as a result of the false statements, but that the falsehoods could have influenced or changed the status of the subject of the statement to the benefit of the falsifier or the detriment of others. It is sufficiently

material if it might have affected the proceeding in or for which it was made ... In the present instance [applicant] was benefited at least to the extent of eliminating delay ..." *People v. Darcy*, 59 Cal. App. 2d 342, 349 (1943).

In addition to perjury, Mr. Kobayashi's conduct constitutes fraud and deceit under Cal Civ Code § 1710(3). This is so because it is "the suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact." *Id.*

Mr. Kobayashi's fraud/perjury vitiates and nullifies the approval of the Project it was used to procure. "There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents, and even judgments." *United States v. Throckmorton*, 98 U.S. 61, 64 (1878); *Crow v. Madsen*, 111 P.2d 7, 11 (Cal. Dist. Ct. App. 1941). Thus, approval of the Project and all underlying exemptions should be reversed, revoked and/or cancelled.

IV. The Project Presents an Increased Risk of Cancer Well Above the Acceptable SCAQMD Limits to the Children and Teachers at Palms Elementary School

Another exception to the use of a CEQA exemption is if a project has a "reasonable possibility" of having "a significant impact on the environment due to unusual circumstances." CEQA Guidelines §15300.2(c). A report by a well-respected environmental scientist shows that this project carries significant health risks to children and teachers at Palms Elementary.

Dr. Paul Rosenfeld is a Co-Founder and Principal Environmental Chemist at Soil / Water / Air Protection Enterprise ("SWAPE"). He has over twenty years' experience conducting remedial investigations, risk assessments, and developing cleanup programs for sites containing petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, PCBs, PAHs, dioxins/furans, volatile and semi-volatile organics, perchlorate, heavy metals, asbestos, PFOA, unusual polymers, fuel oxygenates (MTBE), and odors. Dr. Rosenfeld conducts contaminant fate and transport modeling in all environmental media and is a specialist regarding the analysis and modeling of airborne contaminants. [see <http://www.swape.com/staff/paul-rosenfeld-ph-d/>].

Appellants expressly incorporate the contents of Dr. Rosenfeld's December 5, 2017, "Comments on the 3568 Motor Avenue Project" as if fully set forth herein. [see Bates No. 001001 through 001006, Rosenfeld Report].

Dr. Rosenfeld reviewed the City's determination of CEQA exemptions for the Project [see Bates No. 001114 through 001131, Directors Determination]. In the Determination Letter, the City notes that:

“Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the Project Site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.”

The City proposes that such emissions on the fence-line of the kindergarten playground, and within yards of the rest of the school, has no significant impact on the environment. However, hundreds of sensitive receptors are in the immediate vicinity of the site of the Project. “Sensitive receptors” include, but are not limited to, children and the elderly. They are most likely found at schools and nursing homes.¹

Per the many declarations of the teachers and parents, the children run, play, breathe heavily and roll around on the ground in their outdoor play areas. Showering them with the above toxins certainly has an impact on their environment. [see Bates Nos. 001007 through 001085, Teachers' and Parents' Declarations].

Upon review, Dr. Rosenfeld concluded that “the Determination report and associated documents demonstrates that the Project's potential health risk impact posed to nearby sensitive receptors has not been adequately evaluated.” [see Bates No. 001001, Rosenfeld Report]. Dr. Rosenfeld further concluded that “there is substantial evidence indicating that the proposed Project could result in a potentially significant impact to the surrounding environment, something that the Determination and associated documents failed to evaluate or even address.” [see Bates No. 001005, Rosenfeld Report].

¹ The California Air Pollution Control Officer's Association (CAPCOA) categorizes receptors as sensitive receptors or work receptors. According to CAPCOA, “Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work.”

As part of Dr. Rosenfeld's review, he compared his analysis of a project similarly located near sensitive receptors, children. The screening level Health Risk Analysis demonstrated that the excess cancer risk posed to adults, children, and infants near the project would be, out of one million, approximately 43, 290 and 25, respectively. Furthermore, the analysis demonstrated that the excess cancer risk over the course of a residential lifetime (30 years) was approximately 580 in one million. The Southern California Air Quality Management District's maximum allowable threshold is 10 in one million. Independently, extrapolating for the instant project based upon number of units, the excess cancer risk over the course of a residential lifetime for receptors at Palms Elementary School would be 277 in one million – 27 times the SCAQMD threshold.²

Based upon the unusual circumstance of such a large number of sensitive receptors (300+ children) in the immediate vicinity of the Project site, and the multi-year timeframe within which the Project would emit toxic pollutants into the air the children breathe, and the ground upon which they run and play, a fair argument can be made that the Project would create the reasonable possibility of significant negative effects on the environment, per CEQA Guidelines §15300.2(c). Thus, the approval and exemptions should be revoked.

V. The Project Violates the City's CEQA Shade Thresholds

The 'screening criteria' for shade/shadow impacts from the City's CEQA Thresholds Guide

(<http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>, pp. A.3-1 to A.3-10) is as follows:

- QUESTION: Would the project include light-blocking structures in excess of 60 feet in height above the ground elevation that would be located within a distance of three times the height of the proposed structure to a shadow-sensitive use on the north, northwest or northeast?
- ANSWER: Clearly yes. The proposed building is over 70 ft and the Palms Elementary School play yard (a shadow-sensitive use) is well within 210 ft to the north/northeast (i.e., it's adjacent).

² Extrapolated cancer risk depends upon all other factors being equal and is determined as follows:

Step 1 ---> "View" Cancer Risk (divided by) "View" # of Units = Cancer Risk Ratio

Step 2 ---> Cancer Risk Ratio (multiplied by) "Motor Ave" # of Units = "Motor Ave" Cancer Risk

- THEREFORE: Further study is indicated (as opposed to a categorical exemption).

A project impact would normally be considered significant if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). [see 2006 L.A. CEQA Thresholds Guide, pp. A.3-1 to A.3-10].

Here the developer's own shade studies demonstrate unacceptable shading during the proscribed time periods. [see Bates Nos. 001109 through 001113, Shade Studies]. Accordingly, this should have precluded the City from exempting this Project from CEQA. Exemptions cannot be claimed if there is a reasonable possibility that the project will result in a significant adverse impact. There is such a reasonable possibility here. The City's failure to consider and properly evaluate the impact of shade is an appropriate basis for revoking the Project's approval and all exemptions.

VI. The Project Violates the City's CEQA Construction Noise Thresholds

The 'screening criteria' for noise impacts from the City's CEQA Thresholds Guide (pp. I.1-1 to I.1-9) is as follows:

- QUESTION: Would construction activities occur within 500 feet of a noise sensitive use?
- ANSWER: *Clearly yes. Palms Elementary School and its play yard (both noise-sensitive uses) are well within 500 ft of the Project (i.e., it's adjacent).*
- THEREFORE: Further study is indicated (as opposed to a categorical exemption).

"Noise sensitive uses include residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks. Determine whether construction activities would occur within 500 feet of a noise sensitive use or during the hours specified in the Screening Criteria." *Id.* at (p. I.1-3).

In order to determine the impacts of the Project, it is necessary to "[r]eview the description of the proposed project, including the duration of construction activities.

Identify the type, amount, and scheduling of construction equipment to be used during each construction phase, and the distance from construction activities to noise sensitive uses. Calculate the noise emissions from individual equipment by using the noise levels shown in Exhibits I.1-1 and I.1-2, or other applicable references, the distance to the noise sensitive uses, and noise attenuation standards.” *Id.* at (p. I.1-4).

In the instant case, the City was required to make a determination of the impacts of the Project as specified by its own CEQA guidelines, but did not. In fact, it could not – as there was no information provided by the developer as to the “type, amount, and scheduling of construction equipment to be used during each construction phase.” Thus, no calculations as to noise levels of individual equipment were ever made, or considered.

Because it is incumbent upon the developer to demonstrate CEQA compliance, this should have precluded the City from exempting this Project from CEQA. The developer’s failure to include appropriate information, and the City’s failure to demand it, precluded the demonstration that there is not a reasonable possibility that the project will result in a significant adverse impact upon the environment. Accordingly, the Project’s approval and any exemptions should be reversed, revoked and overturned upon this basis.

VII. The Noise and Toxins from the Project Will Irreparably Harm the Children’s Educational Environment and Interests

Education is of utmost importance. “In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.” *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954). In fact, in California, it is a fundamental right. “Among other things ... for California purposes, education remains a fundamental interest ‘which [lies] at the core of our free and representative form of government [fn.] . . .’ (citation omitted).” *Butt v. State of Cal.*, 4 Cal. 4th 668, 683 (1992).

In this case, the Project at 3568 Motor Avenue, will severely infringe upon each of the children’s educational rights and fundamental interests by compromising, and in some cases eliminating, the safety and effectiveness of their learning environments. The declarations of the teachers and parents explain that their children are, *inter alia*, easily distracted by sharp, as well as ambient noises. Their children are also subject to allergies and physical ailments related to airborne irritants. Additionally, many of the teachers’ declarations detail the additional harm their Deaf and Hard of Hearing (“DHH”) students would suffer.

The DHH teachers relate that elementary school years are the point in the students' lives wherein they are gaining the bedrock understandings of how to socialize with and understand each other, as well as children without hearing challenges, and that preventing that process from happening would have far-reaching consequences for the rest of their lives.

These students require a quiet environment in which to learn. The construction noise will be highly distracting, will directly interfere with their learning, and in some instances will even be painful to these young students with disabilities. Many of the DHH students wear sound amplifying listening devices which make all sounds louder. In their classrooms, even air conditioners must meet certain dampened sound requirements. As an accommodation for all the students in DHH classrooms at Palms, there are carpets on the classroom floors, fabric on the walls, and drop ceilings to minimize sound reverberation. Ongoing construction noise would make it difficult, and in many cases impossible, for students to distinguish between voices and other sources of information – as opposed to noise and other sounds which should be disregarded. So-called “new listeners” – students who have just activated cochlear implants – would experience pain and listening fatigue, but not even know how to express what is happening to them – or why.

Each of the DHH children has an Individualized Education Program (“IEP”) mandating that she or he be provided with an educational environment which enables her or him to effectively access the curriculum at Palms Elementary. Cal Govt. Code §11135, *et seq.* As to the particular educational rights of the DHH children, and the fundamental educational rights of all the children at Palms Elementary, the City's approval of the Project directly violates them all.

The irreparable harm to the children's educational environments and interests constitutes a substantive due process violation – as well as an unusual circumstance indicating a reasonable possibility of significant negative effects on the environment, per CEQA Guidelines §15300.2(c). Thus, the approval and exemptions should be reversed, revoked and overturned.

VIII. The City's Approval and Grant of Exemptions Violated the Rights of Persons With Disabilities

Appellants hereby incorporate as if fully set forth herein, the December 4, 2017, letter from Olu K. Orange and Dan Stormer to the City of Los Angeles' Department on Disability. [see Bates Nos. 001095 through 00108, Notice of Forthcoming Litigation].

IX. The City's Approval and Grant of Exemptions Violated the Children's, Parents' and Teachers' Procedural Due Process Rights

The City's approval was done with absolutely no meaningful notice to the children, parents or teachers. The teachers and parents all state that they received no notice about the Project until just before or just after Thanksgiving of 2017. Moreover, that notice came as word of mouth from other parents or teachers, never the City. The Director's Determination purports to allow for a 17-day period to appeal from the date it was mailed to the date it becomes final – thus, from September 1, 2017 to September 18, 2017. Moreover, it states that it may only be appealed by:

“ ... an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property” [Bates No. 001131, Director's Determination]

The children, parents and teachers at Palms Elementary do not fit within any of those categories. Thus, by the terms of the City's notice – they are afforded no right to receive notice and be heard as to their objections or an appeal, despite the fact that they are the ones who will be directly and negatively affected by the project for an extended period of time.

Also, each of the City's Affidavits of Mailing from the Planning Dept. file indicate that no hearing was ever held as to the Project, and that aside from the applicant and other City departments, letters were only mailed to abutting property owners – not even abutting property tenants. [see Bates Nos. 001135 through 001137, Mailing Affidavits]. With important and fundamental rights at stake, this certainly does not comport with due process.

“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306, 314 (1950). This may include an obligation, upon learning that an attempt at notice has failed, to take “reasonable follow-up measures” that may be available. *Jones v. Flowers*, 547 U.S. 220, 235 (2006). The notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. *Goldberg v. Kelly*, 397 U.S. 254, 267-68 (1970). Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it. *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965); *Robinson v. Hanrahan*, 409 U.S. 38 (1974); *Greene v. Lindsey*, 456 U.S. 444 (1982). Thus, the notice of hearing and the opportunity to be heard “must be granted

at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

Of the sixteen days between September 1st and 18th of 2017, six of them were weekend days, and five of them are reasonably subtracted for mailing (see Cal Code Civ Proc §1005(b)). Thus, even if the City had mailed notice to the children’s parents or teachers, they would have had only five working days to figure out how to mount a challenge to the project.

What the City did in this case is clearly inadequate, ineffective, sham notice – and certainly a violation of due process. With the fundamental rights to health and education of children at stake, due process would certainly require an earnest effort to inform the children via their parents. Anything else is inconceivable.

“A student’s right to a public education is a property interest protected by the Due Process Clause. *Goss v. Lopez*, 419 U.S. 565, 576 (1975). At the very minimum, a student facing “interference with a protected property interest must be given some kind of notice and afforded some kind of hearing.” *Id.* at 579. “[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). (“Parties whose rights are to be affected are entitled to be heard.”) *Baldwin v. Hale*, 68 U.S. (1 Wall.) 223, 233 (1863).

The City’s abject failure to notify the children, parents and teachers in this case is a textbook due process violation. Thus, no deprivation of their rights would ever pass judicial muster. Indeed, this appeal was filed within a very short time (less than 30 days) of when the parents’ and teachers’ declarations indicate they learned of the Project.

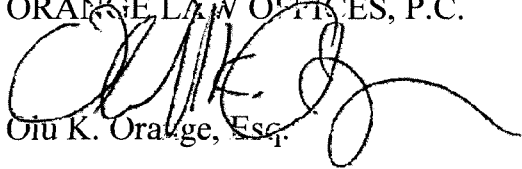
Appellants request that this Honorable Council afford the children, parents and teachers of Palms Elementary School an opportunity to be heard by granting this appeal, reversing the approval of the Project and all its exemptions, and requiring that the Project be subjected to a full and thorough environmental impact and health review – with reasonable and appropriate notice to the appellants herein.

X. In Conclusion

The City’s use of a Categorical Exemption for this project violates CEQA, as well as various other state and federal laws and constitutional rights. Upon the foregoing bases, this appeal should be granted, the approval of the Project and all its exemptions should be reversed, and the Project be subjected to a full and thorough environmental impact and health review – with reasonable and appropriate notice to

the appellants herein. This appeal will be followed by concurrent state and federal court legal actions. The initiation and maintenance of such actions does not withdraw or cancel this appeal.

Respectfully submitted,
ORANGE LAW OFFICES, P.C.



Olu K. Orange, Esq.

:: exhibits ::

cc:

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1 **STATE OF CALIFORNIA** } **ss.**
2 **COUNTY OF LOS ANGELES** }

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
4 not a party to the within action; my business address is: 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010

5 On December 12, 2017, I served the following Document(s): **CEQA APPEAL of Case No. DIR-2016-4880-DB; ENV-2016-4881-CE and EXHIBITS (001001 through 001137)** upon the
6 interested parties in this action addressed as follows:

7 8 9 10 11 12 13 14 15	CITY OF LOS ANGELES CITY COUNCIL via CITY CLERK 200 N. Spring St, Rm 395 Los Angeles, CA 90012 TEL: (213) 978-1133 <u>Clerk.CPS@lacity.org</u> (*via email & certified mail)	HIRO KOBAYASHI 3568 MOTOR LLC 800 S. FIGUEROA ST #960 LOS ANGELES, CA 90017 Tel: (213) 488-9039 <u>3568Motor@RBMofCA.com</u> (*via email & certified mail)	DAYNA SAYLES three6ixty 4309 Overland Ave. Culver City, CA 90230 Tel. (310) 204-3500 <u>info@three6ixty.net</u> (via email only)
16 17 18 19 20 21 22 23 24	PAUL KORETZ, CD 5 CITY HALL 200 N SPRING ST #440 LOS ANGELES, CA 90012 Tel. (213) 473-7005 <u>paul.koretz@lacity.org</u> (via email only)	VINCENT P. BERTONI, AICP DIRECTOR LA DEPT of CITY PLANNING 200 N. SPRING ST, RM 525 Los ANGELES, CA 90012 Tel. (213) 978-1271 <u>vince.bertoni@lacity.org</u> (*via email & certified mail)	DAVID R. HOLMQUIST, ESQ. LAUSD GENERAL COUNSEL 333 South Beaudry Ave Los Angeles, CA 90017 P: (213) 241-7600 <u>David.Holmquist@lausd.net</u> (via email only)

16 ☐ **(Via Hand Delivery)** I caused hand-delivered service of the above-mentioned materials upon
17 the above-mentioned recipient(s) as addressed by leaving the materials with the person indicated, or
18 with a person, of the age of majority, apparently responsible for the premises.

19 ☒ **(Via U.S. Mail [Federal or State])** I am readily familiar with the practice for the collection
20 and processing of correspondence for mailing with the UNITED STATES POSTAL SERVICE; such
21 envelope will be deposited with the UNITED STATES POSTAL SERVICE on the above date
22 according to ordinary business practices.

23 ☒ **(Via Email)** By transmitting from my business address a true copy thereof from my sending
24 computer addressed to each individual at its receiving computer email address set forth above at the
25 time indicated on the transmission line thereon.

26 **Executed on December 12, 2017, at Los Angeles, California.**

27 ☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the
28 above is true and correct.

☒ **(Federal)** I declare that I am employed in the office of a member of the bar of this Court at
whose discretion the service was made.


Olu K. Orange, Esq.

EXHIBITS

001001 through 001137



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Paul E. Rosenfeld, Ph.D.
(310) 795-2335
prosenfeld@swape.com

December 5, 2017

Olu K. Orange
Orange Law Offices, P.C.
3435 Wilshire Boulevard, Suite 2910
Los Angeles, CA 90010

Subject: Comments on the 3568 Motor Avenue Project

Dear Mr. Orange,

We have reviewed the September 2017 Director's Determination Density Bonus & Affordable Housing Incentives ("Determination") and associated attachments for the proposed 3568 Motor Avenue Project ("Project") located in the City of Los Angeles ("City"). The proposed Project includes the demolition of an existing one-story three-unit commercial building, and the construction of a six-story mixed-use commercial and residential building providing 42 apartment units, including a minimum of 4 units for Very Low-Income Households, and 1,770 square feet of ground-floor retail. The project proposes a total of 54 vehicular parking spaces and a total of 44 long-term and 7 short-term bicycle parking spaces. The project consists of 20 vehicular parking spaces at the ground floor and 34 residential parking spaces in one subterranean parking level. The total project size is limited to 29,807 square feet, and the building will measure approximately 72 feet and 7 inches in height. The proposed project requests a haul route to export 6,000 cubic yards of soil. Two non-protected trees are being removed.

According to the Determination report, the proposed Project qualifies for a Class 32 Categorical Exemption, as the Project 1) is consistent with the City's General Plan and zoning; 2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; 3) has no value as habitat for endangered, rare, or threatened species; 4) will not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services. Therefore, no further environmental review is required.

However, review of the Determination report and associated documents demonstrates that the Project's potential health risk impact posed to nearby sensitive receptors has not been adequately evaluated. Specifically, the Determination report fails to evaluate, whatsoever, the diesel particulate matter (DPM) emissions that would be emitted during construction and operation of the proposed Project, and therefore, there is no way to verify that a significant unmitigated air quality impact will not

occur once construction commences. The California Air Pollution Control Officer's Association (CAPCOA) categorizes receptors as sensitive receptors or work receptors. According to CAPCOA,

"Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work."¹

Thus, it is critical that the proposed Project's health related impact is evaluated, as there are numerous residences and the Palms Elementary School located directly across from the Project site. Due to the lack of evidence supporting the conclusion that the Project will not result in a significant health related impact, we find the Determination's conclusion that the Project would not result in significant impacts to be unsubstantiated, as the health impacts associated with construction and operation of the proposed Project have not been adequately addressed. A health risk assessment (HRA) should have been prepared to adequately assess the potential impacts that the Project could have on the health impacts to sensitive receptors. As such, a proper analysis of the Project's health related impacts must be conducted before the Project can claim a Class 32 Categorical Exemption under the California Environmental Quality Act (CEQA).

Air Quality

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

In order to determine if the proposed Project would qualify for a Class 32 Categorical Exemption under CEQA, the Project Applicant must demonstrate that the Project would not result in significant adverse impacts. The Determination report concludes that the Project would not result in significant adverse impacts related to air quality because "the proposed Project will not cause the SCAQMD's recommended threshold levels to be exceeded" (pp. 14). Specifically, the Determination report states,

"The project, a 29,782-square foot mixed-use building will replace an approximately 6,768-square foot existing commercial building. The project will not result in significant impacts related to air quality because it falls below interim air threshold established by DCP staff. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be

¹ "Health Risk Assessments for Proposed Land Use Projects." CAPCOA, July 2009, *available at*: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level" (pp. 14).

In 2012, pursuant to Senate Bill 226 (SB 226), the Office of Planning and Research (OPR) developed and adopted additions to CEQA Guidelines that set forth a streamlined CEQA review process for infill projects.² CEQA Guidelines Section 15332, referred to as Class 32 Exemption, allows infill developments within urbanized areas to be exempt from CEQA review if a proposed development meets specific criteria.³ However, one of the mandatory criterion listed in Section 15332 of the CEQA Guidelines state that projects can be characterized as infill developments only if "approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality".⁴ As a result of the Determination report's assertion that the Project would not result in significant impacts, it concludes that the proposed Project is "categorically exempt from environmental review" (pp. 14). The Determination report states,

"The proposed incentives will not have a specific adverse impact. A 'specific adverse Impact' is defined as 'a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete' (LAMC Section 12.22.A.25(b)). The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to State CEQA Guidelines Article 19, Sections 15304 (Class 4) and 15332 (Class 32), and City CEQA Guidelines Article III, Section 1, Class 4 Category 1. The Class 32 Exemption is intended to promote infill development within urbanized areas" (pp. 10).

This reasoning and subsequent conclusion, however, are incorrect, as the Determination report fails to evaluate, whatsoever, the potential health-related impacts that construction and operation of the proposed Project would pose to nearby sensitive receptors. Simply because the proposed Project is an infill project does not mean that the Project's potential health related impact would inherently be less than significant. Thus, it is evident that although the proposed Project is an infill development project, it should not be exempt from a CEQA review until the Project's health-related impacts are properly

² "CEQA Streamlining for Infill Projects (SB 226)." The Governor's Office of Planning and Research, *available at*: https://www.opr.ca.gov/s_sb226.php

³ "State CEQA Guideline Section 15183.3: Streamlining for Infill Projects." OPR, February 2013, *available at*: https://www.opr.ca.gov/docs/Section_15183.3_feb2013.pdf

⁴ "CEQA Guidelines Section 15332." California Natural resources Agency, *available at*: <http://resources.ca.gov/ceqa/guidelines/art19.html>

assessed. As such, we find the conclusions made within the Determination to be unsubstantiated and should not be relied upon to determine Project significance.

According to the South Coast Air Quality Management District (SCAQMD), the lead air pollution control agency for the proposed Project, a health risk assessment should be performed for any project that is expected to generate mobile emissions from diesel powered equipment and trucks. According to SCAQMD's Mobile Source Toxics Analysis page on AQMD's website (emphasis added),

"In August 2002, the SCAQMD's Mobile Source Committee approved the 'Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions.' This document provided guidance for analyzing cancer risks from diesel particulate matter from mobile sources at facilities such as truck stops and warehouse distribution centers. Subsequently, SCAQMD staff revised the aforementioned document to expand the analysis to provide technical guidance for analyzing cancer risks from potential diesel particulate emissions impacts from truck idling and movement (such as, but not limited to, truck stops, warehouse and distribution centers, or transit centers), ship hoteling at ports, and train idling. This revised guidance document titled, 'Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis' was presented to and approved by the SCAQMD's Mobile Source Committee at its March 28, 2003 committee meeting. It is suggested that projects with diesel powered mobile sources use the following guidance document to quantify potential cancer risks from the diesel particulate emission".⁵

As you can see in the excerpt above, the SCAQMD explicitly states that in the event that the proposed Project generates or attracts vehicular trips, a mobile source health risk assessment must be prepared. As noted in the Determination report, Project construction is expected to "temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants", therefore, it is reasonable to assume that a significant amount of DPM, a known human carcinogen, will be emitted from the exhaust stacks of construction equipment the Project proposes to use (p. 13). Once operational, the Project's commercial land use will result in frequent truck deliveries, or approximately 153 daily truck trips according to the Project's Transportation Impact Study, while the Project's residential land uses are expected to generate approximately 326 daily vehicle trips (Transportation Study, pp. 41). Thus, it is reasonable to assume that large amounts of diesel exhaust will be generated over the duration of Project operation. As such, a proper HRA should have been conducted prior to approval of the Project, as long-term exposure to DPM and other toxic air contaminants (TACs) may result in a significant health risk impact and therefore, should be properly assessed.

Furthermore, it is critical that a proper HRA be prepared for the proposed Project, as health risk analyses conducted for similar CEQA projects within the City of Los Angeles have demonstrated significant impacts. For example, SWAPE conducted a screening-level HRA for The View project (SCH No.

⁵ "Mobile Source Toxics Analysis." SCAQMD, *available at*: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>

2017041016)⁶ to determine whether or not the project would result in significant health risk impacts. The View project proposed to construct a multi-family residence lot and 88 attached residential condominium dwelling units on 1.84 acres of land. SWAPE's screening level HRA demonstrated that the excess cancer risk posed to adults, children, and infants located approximately 1 meter away from the Project site (similar to the proposed Project) would be approximately 43, 290, and 250 in one million, respectively.⁷ Furthermore, the analysis demonstrated that the excess cancer risk over the course of a residential lifetime (30 years) was approximately 580 in one million.⁸ The infant, child, adult, and lifetime cancer risks all exceeded the SCAQMD's threshold of 10 in one million. Thus, our analysis demonstrated that when the project's health-related impacts were properly assessed, we found that emissions released during construction and operation of The View project would pose a significant health risk to nearby sensitive receptors. Seeing as The View project is similar to the proposed Project, it is reasonable to assume that the 3558 Motor Avenue Project could also result in similar, significant health-related impacts. As such, a proper HRA should have been conducted prior to Project approval, as exposure to DPM and other TACs may result in a significant health risk impact and therefore, should be properly assessed.⁹

A quantitative analysis of the Project's health-related impacts should have been prepared and the results of this analysis should have been compared to applicable thresholds. The SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact.¹⁰ Therefore, the Project Applicant should have conducted an assessment that compares the Project's combined construction and operational health risk to this threshold in order to determine the Project's health risk impact. By failing to prepare an HRA, the Determination fails to provide a comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutants.

Due to the reasons listed above, we find that there is substantial evidence indicating that the proposed Project could result in a potentially significant impact to the surrounding environment, something that the Determination and associated documents failed to evaluate or even address. Without the findings of a quantified HRA, the Project lacks a comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to the Project's potentially substantial air pollutant emissions. As such, a proper analysis must be conducted in order to determine the impact that the proposed Project will have

⁶ The View Initial Study/Mitigated Negative Declaration (SCH No. 2017041016), *available at*: http://uha1979.org/assets/RPC_staff_recommendations_re_the_View_07.21.2017.pdf

⁷ See SWAPE October 23, 2017 Comments for The View Project, p. 10

⁸ *Ibid.*

⁹ We acknowledge that The View project has a larger building square footage and lot acreage compared to the proposed Project. However, as discussed, the excess cancer risk posed by The View project far exceeds applicable thresholds. Additionally, the proposed Project includes 1,770 square feet of commercial land use, which will result in frequent truck and delivery vehicle trips during operation. Therefore, it is possible that the cancer risk for the proposed Project, although smaller than The View project, could still result in a significant health-related impact.

¹⁰ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

on the health of school children attending the Palms Elementary School and on residents living near the Project site.

Finally, due to the ongoing nature of this matter, we reserve the right to modify our work, opinion, and any information presented in this document, and any revisions in the future, as reasonably accessible information becomes available that materially-affects the findings and conclusions stated herein.

Sincerely,

A handwritten signature in cursive script that reads "Paul Rosenfeld".

Paul E. Rosenfeld, Ph.D.

A handwritten signature in cursive script that reads "Hadley Nolan".

Hadley Nolan

DECLARATION OF BRITTANY DORN

I, BRITTANY DORN, declare as follows:

1. I am over 18 years of age. My business address is 3520 Motor Ave, Los Angeles, CA 90034. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. I am employed as an elementary school teacher for the Los Angeles Unified School District at Palms Elementary School ("Palms"). I began teaching at Palms on July 8, 2015.
3. I attended college at Concordia University majoring in Liberal Arts and earned a Bachelor of Arts degree in the year 2012. I have earned a Master of Science degree in the field of Education of the Deaf from California Lutheran University in the year 2016. Additionally, I possess the following professional certification: Education Specialist Instruction Credential - Deaf and Hard of Hearing Authorization and English Learner Authorization, 2015.
4. Palms students are in pre-kindergarten through fifth grade classes. Our school day begins at 8:10 A.M. and ends at 2:33 P.M.
5. I currently teach children who are deaf and hard of hearing in grades four and five. The children in my class are boys and girls ages nine through eleven. All eight of my students have disabilities. Listed by number, the following students have the following disabilities and require the following curricular and environmental accommodations to learn and participate effectively in class:

1 a) STUDENT #1: STUDENT #1 is ten years old and is hard of hearing. STUDENT
2 #1's disability was confirmed in January 2011. According to her audiological report
3 dated 11/13/17, she has a bilateral moderate to profound precipitously sloping
4 sensorineural hearing loss. STUDENT #1 wears sound amplifying listening devices
5 in order to effectively access the curriculum, socialize with other students and
6 experience the world around her. She wears a cochlear implant on her left ear and a
7 hearing aid on her right ear. Based upon my experience and observations of
8 STUDENT #1, the ongoing noise and distraction of a construction project just
9 outside our classroom windows would severely disrupt, if not totally compromise,
10 her social and educational development for the duration of the construction project.
11 Sound amplification devices are only effective in educational environments wherein
12 noise can be controlled. For example, ongoing noise sources such as air conditioners
13 must meet certain dampened sound requirements. We have carpets on the classroom
14 floor, fabric on the walls, and a drop ceiling to minimize sound reverberation. Any
15 acoustic interruptions are amplified and make it impossible for students who are new
16 to sounds to discern which sounds are voices and sources of information which need
17 to be interpreted, as opposed to sounds which should be filtered out as noise.
18 STUDENT #1 is considered a "new listener," because she just got her cochlear
19 implant activated in October 2017. Therefore, her brain is still getting used to
20 processing sounds electronically rather than acoustically and a filter has not yet been
21 developed. By the end of the day STUDENT #1 suffers from listening fatigue.
22 School is much more difficult for her because she has to work to hear every sound. It
23 really wears her out by the end of the day. With additional background noise due to
24 construction, she will tire much sooner and access to her education will be
25 compromised. Moreover, amplification of sharp unexpected sounds can be painful
26 because there is no chance to adjust volume, and ongoing repetitive sounds can be
27 annoying and cause headaches. She often takes off her implant complaining that it is
28 too loud, even in our noise-controlled classroom environment. Without her processor

1 connected to her implant, she is completely deaf on the left. STUDENT #1 does not
2 use sign language and relies on her listening and spoken language to communicate.
3 She cannot learn if she is not wearing her equipment. In addition, STUDENT #1 is
4 highly distractible and has trouble focusing in class. Noise from the construction
5 project would make it very difficult for her to focus on her teacher, peers, and her
6 work in class and deprive STUDENT #1 of an adequate learning environment.

7 b) STUDENT #2: STUDENT #2 is ten years old and is hard of hearing. STUDENT
8 #2's disability was confirmed shortly after failing the Newborn Hearing Screening.
9 According to his audiological report dated 3/9/17, he has a bilateral moderate
10 sensorineural hearing loss. STUDENT #2 wears sound amplifying listening devices
11 in order to effectively access the curriculum, socialize with other students and
12 experience the world around him. He wears bilateral hearing aids. Based upon my
13 experience and observations of STUDENT #2, the ongoing noise and distraction of a
14 construction project just outside our classroom windows would severely disrupt, if
15 not totally compromise, his social and educational development for the duration of
16 the construction project. He faces the same challenges as the previous student due to
17 his hearing impairment regarding noise. In addition, I have observed that STUDENT
18 #2 is extra sensitive to noise, often taking off his hearing aids when his mainstream
19 class is noisy and always during recess. He reports that at times he does not wear his
20 hearing aids at home because the traffic noise outside his apartment is so
21 bothersome. STUDENT #2 also has environmental allergies that will be severely
22 impacted by the construction pollution that will enter our yard and classroom. He
23 takes medication for his allergies daily.

24 c) STUDENT #3: STUDENT #3 is nine years old and is hard of hearing. STUDENT
25 #3's disability was confirmed shortly after failing the Newborn Hearing Screening.
26 According to her audiological report dated 3/2/17, she has a moderate sloping to
27 profound mixed hearing loss in the right ear and a mild sloping to severe hearing loss
28 in the left ear. STUDENT #3 wears sound amplifying listening devices in order to

1 effectively access the curriculum, socialize with other students and experience the
2 world around her. She wears bilateral hearing aids. Based upon my experience and
3 observations of STUDENT #3, the ongoing noise and distraction of a construction
4 project just outside our classroom windows would severely disrupt, if not totally
5 compromise, her social and educational development for the duration of the
6 construction project. She faces the same challenges as students STUDENT #1 and
7 STUDENT #2 due to her hearing impairment regarding noise. In addition,
8 STUDENT #3 is highly distractible and has trouble focusing in class. The noise from
9 the construction will make it very difficult for her to focus on her teacher, peers, and
10 her work in class.

11 d) STUDENT #4: STUDENT #4 is nine years old and is hard of hearing. STUDENT
12 #4's disability was confirmed shortly after failing the Newborn Hearing Screening.
13 According to his audiological report dated 3/12/17, he has a bilateral mild to
14 moderate sensorineural hearing loss. STUDENT #4 wears sound amplifying
15 listening devices in order to effectively access the curriculum, socialize with other
16 students and experience the world around him. He wears bilateral hearing aids.
17 Based upon my experience and observations of STUDENT #4, the ongoing noise
18 and distraction of a construction project just outside our classroom windows would
19 severely disrupt, if not totally compromise, his social and educational development
20 for the duration of the construction project. He faces the same challenges as
21 STUDENT #1, STUDENT #2 and STUDENT #3 due to his hearing impairment
22 regarding noise. In addition, STUDENT #4 is highly distractible and has trouble
23 focusing in class. The noise from the construction will make it very difficult for him
24 to focus on his teacher, peers, and his work in class.

25 e) STUDENT #5: STUDENT #5 is ten years old and is hard of hearing. STUDENT
26 #5's disability was confirmed shortly after failing the Newborn Hearing Screening.
27 According to his audiological report dated 11/6/17 he has a moderately-severe to
28 moderate conductive hearing loss secondary to atresia. He wears a sound amplifying

1 listening device in order to effectively access the curriculum, socialize with other
2 students and experience the world around him. He wears a Bone Anchored Hearing
3 Aid. Based upon my experience and observations of STUDENT #5, the ongoing
4 noise and distraction of a construction project just outside our classroom windows
5 would severely disrupt, if not totally compromise, his social and educational
6 development for the duration of the construction project. He faces the same
7 challenges as students STUDENT #1, STUDENT #2, STUDENT #3 and STUDENT
8 #4 due to his hearing impairment regarding noise. STUDENT #5 attends a general
9 education classroom that is approximately 8 yards from the construction site for 95%
10 of his instructional day. For 75% of his day, STUDENT #2. attends the same general
11 education class as STUDENT #5.

12 f) STUDENT #6: STUDENT #6 is eleven years old and is hard of hearing. STUDENT
13 #6's disability was confirmed shortly after failing the Newborn Hearing Screening.
14 According to his audiological report dated 9/13/17 he has a moderate to severe
15 conductive hearing loss secondary to atresia. He wears a sound amplifying listening
16 device in order to effectively access the curriculum, socialize with other students and
17 experience the world around him. He wears a Bone Anchored Hearing Aid. Based
18 upon my experience and observations of STUDENT #6, the ongoing noise and
19 distraction of a construction project just outside our classroom windows would
20 severely disrupt, if not totally compromise, his social and educational development
21 for the duration of the construction project. He faces the same challenges as the
22 students in items (a) through (e) above due to his hearing impairment regarding
23 noise.

24 g) STUDENT #7: STUDENT #7 is ten years old and is hard of hearing. STUDENT
25 #7's disability was confirmed prior to 24 months of age. According to her
26 audiological report dated 4/3/17, she has a moderate to severe sensorineural hearing
27 loss in the left ear and is deaf in her right ear. STUDENT #7 wears a sound
28 amplifying listening device in order to effectively access the curriculum, socialize

1 with other students and experience the world around her. She wears a hearing aid on
2 her left ear. Based upon my experience and observations of STUDENT #7, the
3 ongoing noise and distraction of a construction project just outside our classroom
4 windows would severely disrupt, if not totally compromise, her social and
5 educational development for the duration of the construction project. She faces the
6 same challenges as the students in items (a) through (f) due to her hearing
7 impairment regarding noise.

8 h) STUDENT #8: STUDENT #8 is nine years old and is hard of hearing. STUDENT
9 #8's disability was confirmed shortly after failing the Newborn Hearing Screening.
10 According to her audiological report dated 2/6/17, she has a bilateral moderate
11 sensorineural hearing loss. STUDENT #8 wears sound amplifying listening devices
12 in order to effectively access the curriculum, socialize with other students and
13 experience the world around her. She wears bilateral hearing aids. Based upon my
14 experience and observations of STUDENT #8, the ongoing noise and distraction of a
15 construction project just outside our classroom windows would severely disrupt, if
16 not totally compromise, her social and educational development for the duration of
17 the construction project. She faces the same challenges as the students in items (a)
18 through (g) due to her hearing impairment regarding noise. STUDENT #8 attends a
19 general education classroom that is on our premises approximately 12 yards from the
20 construction site for 60% of her instructional day.

21
22 6. The Deaf and Hard of Hearing program has been at Palms for more than 30 years.
23 This year, the program has tripled in size, indicating that it is a strong program that
24 families want to send their children to. We currently have 33 students at Palms with
25 hearing impairment and are getting new preschoolers every month as those in the
26 LAUSD parent-infant program turn three years old. These 33 students are extra
27 sensitive to noise because they all wear sound amplification devices. Some of these
28 devices increase sound output by up to 50 dB at certain frequencies. For some of our

1 students it is painful to hear traffic (~80dB), industrial noise (~100dB), and heavy
2 machinery (~120dB). For some who have less gain on their hearing aids, it may not
3 be painful, but it will be distracting to try to learn with such an increased signal to
4 noise ratio.

5
6 7. The students in my class are placed there because they have gaps in their academic
7 achievement because of their language delays. In some cases this is due to late
8 identification of hearing loss and therefore late amplification. In some cases it is
9 because they are not hearing all the sounds the English language uses. In other cases
10 it is because they have missed a lot of school due to surgeries (for cochlear
11 implantation, BAHA implantation, ear reconstruction, and/or additional surgeries
12 due to related syndromes such as cleft palette repair), recovery from these surgeries,
13 and many audiological appointments. My students are behind academically because
14 of factors that are out of their control. I try to maximize their learning for every
15 minute they are in school.

16
17 8. The demolition and construction of the building next to Palms Elementary will
18 greatly affect my students. The noise of the construction will impede their learning to
19 a devastating degree. My students do not use American Sign Language. They rely on
20 their impaired listening skills to access information and communicate. Their hearing
21 aids, BAHAs, and cochlear implants amplify all sounds that come into their
22 processors, not just speech. With the noise coming from construction, they will not
23 be able to hear me and, more importantly, will not be able to hear their peers. This
24 will stifle their ability to engage in and receive communication and expression.
25 Moreover, this will affect their learning as well as safety on the yard and their social
26 development.

1 9. All eight of my students have Individual Education Programs with accommodations
2 they are legally entitled to. Each has an accommodation for "reduced noise" in their
3 learning environment. We teach their peers to not tap their pencils, to sit still in their
4 squeaky chairs, and to only speak one at a time. We keep the door and windows
5 closed and the air conditioner off for as long as we can stand it. The teachers wear
6 microphones during instructional time and sharpen pencils after school when
7 students are not around to be bothered by the noise. If there is construction noise
8 next door to our school, I will not be able to provide the accommodation of reduced
9 noise that my students need to succeed.

10
11 10. My classroom is less than 30 yards from the 3568 Motor Ave construction site. My
12 students also attend general education classes that are as close as half of that distance
13 from the site. Students from my class, as well as other classes, have their recess/play
14 times on the open-air playground which is within a few yards of that construction
15 site. In my observation, the children run, play and inhale rapidly and heavily when
16 on the playground.

17
18 11. I In addition, increased traffic during construction and after because of additional
19 tenants will make it less safe for our children to be dropped off and picked up in the
20 morning. Seven of my eight students ride a bus to school every day. As responsible
21 fourth and fifth graders, they are not required to hold an adult's hand when they step
22 off the bus and walk down the sidewalk to the school gate. With more traffic,
23 chances of accidents increase. An adult is nearby, but may not be close enough to
24 alert a student if there is danger because they often do not wear their amplification
25 until they get into the classroom. My other student, who is dropped off by family,
26 will face the same dangers as he steps out of his parents' car.

1 12. From what I have read, I understand that the 3568 Motor Ave construction project
2 will release emissions into the air containing PM2.5 and PM10 particulate matter,
3 nitrogen oxide gases, reactive organic gases, 'fugitive dust,' and other toxic
4 substances. I am extremely concerned for my students' health, as well as my own. I
5 grew up in a family employed by the construction industry. I know that construction
6 workers take precautions against these dangers, such as masks and eye protection.
7 Our children will not have these precautions and will be exposed to the dangerous
8 pollution every day.

9
10 13. I did not know about this project until a colleague informed me as I was walking out
11 of school the day before our Thanksgiving break 11/17/17. Most of the families of
12 our students do not know about this construction and will be upset when they find
13 out how it will impact their children's education and health.

14
15 I declare, under penalty of perjury under the laws of the State of California, and the
16 United States of America, that above statement is true and correct, and that this declaration
17 was executed in the County of Los Angeles, California, on December 3rd, 2017.

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20 Signature of Declarant
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1 **DECLARATION OF Christal Lord**

2 I, Christal Lord, declare as follows:

- 3
- 4 1. I am over 18 years of age. My business address is 3520 Motor Ave, Los Angeles,
5 CA 90034. If called and sworn as a witness, I could and would competently testify to
6 the following based on personal knowledge:
7
- 8 2. I employed as an elementary school teacher for the Los Angeles Unified School
9 District at Palms Elementary School. I began teaching at Palms on August 18, 2015.
10 Prior to teaching at Palms, I taught at Tenth Street Elementary for 13 years, an
11 LAUSD school.
12
- 13 3. I attended college at the University of California, Santa Barbara majoring in
14 Sociology and earned a Bachelor of Arts degree in the year 2000. I have earned a
15 Masters degree in the field of Education from the University of Los Angeles in the
16 year 2003. Additionally, I possess the following professional certification as a
17 National Board Certification (NBC) it is an advanced teaching credential that goes
18 beyond state licensure. NBC has national standards for what accomplished teachers
19 should know and be able to do. I also have a BCLAD, which in California is a
20 bilingual authorization called the Bilingual, Crosscultural, Language and Academic
21 Development credential.
22
- 23 4. Palms students are in pre-kindergarten through fifth grade classes. Our school day
24 begins at 8:10 am and ends at 2:33 pm. Teachers must be at work by 7:50pm till
25 2:50pm.
26
- 27 5. I currently teach a class of 22 children in grade 1. The children in my class are boys
28 and girls ages 6 through 8. Of my 22 students, 4 of them have learning disabilities. I

1 also have 16 students who are considered English Language Learners (ELD), who
2 need me to add learning modifications in order for them to process the English
3 language.

4
5 6. Listed by letter, the following students have the following disabilities and require
6 the following curricular and environmental accommodations to learn and participate
7 effectively in class:

- 8
- 9 - Student A: One of my students is a little girl repeating first grade and she is 7
10 years old. She has been receiving special education services since 2/5/2014. She
11 receives speech language impairment (SLI) and Resource Specialist Program
12 (RSP). She gets distracted very easily during lessons, and I know this
13 construction project would be detrimental to her education. The ongoing noise
14 and distraction of a construction project just outside our classroom windows
15 would severely disrupt, if not totally compromise, her social and educational
16 development for the duration of the construction project.
 - 17 - Student B: Second student, is a little girl repeating first grade and she is 7 years
18 old. She has been receiving special education services since 8/15/2017. She
19 receives Resource Specialist Program (RSP) and is currently having neurological
20 studies done by medical professionals. She needs to have a quiet environment in
21 order to process information; this construction will cause more damage with her
22 neurological issues.
 - 23 - Student C: Third student is a little girl repeating first grade and she is 7 years old.
24 She has been receiving special education services since 8/15/2017. She receives
25 Resource Specialist Program (RSP). She needs to learn during collaborative
26 groups, and with the constant noise from the construction site, that will hinder her
27 learning.
- 28

1 - Student D: The fourth student is a little boy who is 6 years old, initials S.G.F. He
2 has been receiving special education services since 1/28/2016. He receives
3 Speech Language Impairment (SLI) and Resource Specialist Program (RSP).
4 S.G.F is starting to learn how to speak in complete sentences. He is very shy and
5 it is difficult to hear him in my classroom setting. The noises from the
6 construction site will make teaching him how to speak more difficult.

7
8 7. My classroom is about 15 yards from the 3568 Motor Ave construction site. Students
9 from my class, as well as other classes, have their recess and lunch on the
10 playground outside. We are also mandated by the state to provide 100 minutes a
11 week of physical education. If this construction project goes through, students
12 attempting to eat and do physical activity will be bombarded with all the fumes,
13 noise, and dust coming from this project. They plan to build over 34 parking spots
14 underground; the demolition, excavation and construction will negatively impact our
15 students' and staff's health. The project is 29,807 square feet and will be 72 feet and
16 7 inches high, with 54 vehicular parking spots in total.

17
18 8. On November 26, 2018, I walked around the neighborhood and I asked neighbors
19 adjacent to the construction site if they had been notified and if they were aware of
20 the 72 feet 7 inch project that is planned to be developed in their backyard. The
21 community is not aware of the project and those that heard about it had no idea of
22 the magnitude of the project. I took a picture of the notice from the developer
23 recently posted on the building and it says it is a 4-story development, which is a lie
24 and misleading to the public. I have the picture and it is dated 11/26/17. When I
25 spoke to Senior City Planner for the Department of City Planning of Los
26 Angeles, Debbie Lawrence, she kept saying that this is a by-right project. I asked
27 her why the Director's Determination document which is 18 pages long said nothing
28 about how close in proximity the elementary school is to the construction site, it

1 shares the fence-line with our kindergarten yard were pre-kindergarten DHH (Deaf
2 and Hard of Hearing) and kindergarten classes play and do physical education
3 courses which are mandated by the state. I also asked her why no environmental
4 report was done, considering over 350 children and staff health will be affected by
5 this construction site. Again she said out of the 42 dwelling units, 4 are for low
6 income housing, we should not have to sacrifice our health for a measly 4 units, so
7 the developer can destroy our health and community.

8
9 9. In response to my questions about why the children weren't considered and why
10 parents got no notice and opportunity to be heard, Ms. Lawrence insisted to me that
11 this project is a "by right density bonus" project which means it does not need
12 environmental review. She also said that the 18-page Determination letter was only
13 sent to abutting and common corner property owners because they are the only ones
14 who can object. She then said that we cannot stop the developer or the project
15 because it is his property.

16
17 10. I am very worried about the traffic impact this project will have on our community.
18 Currently Motor only has two lanes, in the Determination report it stated that 6,000
19 cubic yards of soil will be transported from construction site. I don't understand
20 how this will be done in a safe manner. Our students are dropped off on Motor
21 Avenue in the mornings and afternoons. The parents have a hard time finding
22 parking as it is, and with all the parking spaces being taken up by construction
23 materials, how will parents be able to drop and pick up their children in a safe
24 manner. The developer is trying to say it is offering low income housing but out of
25 the 42 units, only four are for low income units. The rest will be \$2500.00 a month
26 for one-bedroom apartments. If you have only one-bedrooms available, this
27 developer is not looking to provide housing for families in the Palms community.
28 There will most likely be at least 2 people in each one bedroom adding 50 or more

1 cars to our tiny Palms community. This again will affect parents being able to drop
2 off and pick up their children safety. It takes only one child being injured during this
3 construction process and this is a big liability for everyone involved.
4

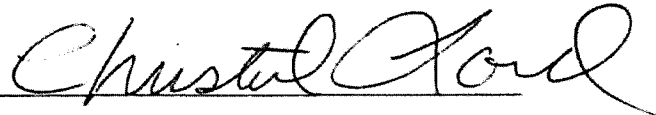
5 11. From what I have read, I understand that the 3568 Motor Ave construction project
6 will release emissions into the air containing PM2.5 and PM10 particulate matter,
7 nitrogen oxide gases, reactive organic gases, 'fugitive dust,' and other toxic
8 substances. I am extremely concerned for my students' health, as well as my own.
9 Many students and staff have issues with allergies and asthma.
10

11 12. I was not notified about the details of this project till November 15, 2017 at the
12 Palms Neighborhood Council Meeting. The councilmembers voted against the
13 project that evening and said it was the first time they have ever voted against a
14 development project. The developers were changing their proposals and the council
15 members did not agree with the impact this massive construction site would have on
16 children of Palms Elementary.
17

18 13. On November 30, 2017 an internal meeting was held regarding this development
19 project, with the developers and Paul Koretz's councilmembers team, but I was told I
20 was not allowed to go to meeting; they did not want me there because I oppose the
21 project. I have been researching this project since November 15, 2017 and wanted to
22 share my findings. I took pictures and sent a video link to each city planner that
23 approved the plan, and only have heard from one Senior City planner (Debbie
24 Lawrence) out of the six who signed the document. I have emailed Vincent Bertoni
25 (Director of City Planning), Faisal Roble (Principal City Planner), Michelle Singh
26 (City Planner), Connie Chauv (City Planning Associate), Paul Koretz
27 (Councilmember for 5th district), Mike Feuer (City Attorney), none of these people
28 have gotten back to me, our children and community deserve to be heard on their

1 objections to this project, and an explanation. I am worried about the respiratory
2 illnesses and health issues this construction project will cause to the students and
3 staff of Palms Elementary. I also know that our Deaf and Hard of Hearing students
4 will be negatively impacted and the noise from the construction will alter their
5 hearing devices in a negative manner.

6
7 I declare, under penalty of perjury under the laws of the State of California, and the
8 United States of America, that above statement is true and correct, and that this declaration
9 was executed in the County of Los Angeles, California, on December 3, 2017.

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12 Signature of Declarant

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- 1
- 2 a) Students #1, #2 and #3: Each of these three students has a speech disability.
- 3 Each student needs to listen carefully to the teacher to learn how to speak well and
- 4 the teacher needs to be able to listen to each student and try to understand each
- 5 student's speech to translate what each student is trying to say.
- 6
- 7 b) Students #4 and #5: Both of these students are being tested for a speech
- 8 disability. Each student needs to listen carefully to the teacher to learn how to speak
- 9 well and the teacher needs to be able to listen to each student and try to understand
- 10 each student's speech to translate what each student is trying to say.
- 11
- 12 c) Student #6: This student is being observed and evaluated for a speech disability
- 13 and a possible diagnosis on the Autistic Spectrum. Loud noises startle him, he also
- 14 needs quiet time for one-to-one mini-lessons, and he easily gets distracted by noises.
- 15
- 16 6. All of my students are English Language Learners. They are students that need
- 17 additional lessons to be able to understand and learn English. I have some students
- 18 that respond using some words in Spanish and I help them translate the words into
- 19 English. A quiet and calm environment is needed for my class to learn and achieve
- 20 their educational their goals as well as keep pace with grade-level standards.
- 21
- 22 7. Every student of mine plays on the kindergarten playground area, which shares a
- 23 fence-line with the 3568 Motor Avenue construction area. From my observations,
- 24 students from my classroom and students from other classrooms (Kindergartners and
- 25 Pre-Kindergarten DHH Students) use the playground area to eat, to run, and to play.
- 26 The students touch the tables, the benches, and the playground equipment (balls,
- 27 tricycles, playhouse, and apparatus). Students also sit and roll on the floor like every
- 28 child does when they are playing and having fun.

1
2 8. My Students and everything in the playground area will be exposed to the toxins that
3 will be released to the atmosphere during demolition, excavation and construction.
4 Students at Palms Elementary will be breathing the toxins and touching them. Toxins
5 will fall on their food and drinks. Students will be in danger of getting sick and
6 dying. The toxins that the students will be exposed to are toxins that cause cancer
7 and breathing problems.

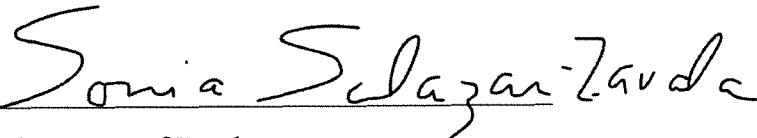
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9 9. Not only will students from Palms Elementary be exposed to toxins which can lead
10 to death – they will also be suffering from the loud noises during the demolition and
11 the construction. Palms Elementary School serves students with Hearing Disabilities.
12 These children were born with a disability and given the gift to hear. Some students
13 are just learning how to use the gift of hearing. The students have hearing devices
14 implanted in their ears and head. The sounds are amplified to help them to hear.
15 These poor and innocent children will be suffering from headaches and not even
16 know how to transcribe what they are going through because most cannot speak
17 clearly. They cannot speak clearly because they are learning how to use the implants
18 and are just learning what words are and how to communicate.

19
20 10. From what I have read, I understand that the 3568 Motor Ave construction project
21 will release emissions into the air containing PM2.5 and PM10 particulate matter,
22 nitrogen oxide gases, reactive organic gases, ‘fugitive dust,’ and other toxic
23 substances. I am extremely concerned for my students and their health, as well as my
24 own.

25
26 11. I have only been informed about the project late in the month of November 2017.
27 Prior to late November, teachers including myself, were not informed about the
28

1 project. We, teachers, were never given the opportunity to object to, or vote against,
2 the project. Everything has been hidden from us and the community.

3
4 I declare, under penalty of perjury under the laws of the State of California, and the
5 United States of America, that above statement is true and correct, and that this declaration
6 was executed in the County of Los Angeles, California, on December 3rd, 2017.

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9 Signature of Declarant

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1 4. I currently teach a class of seven children in second and third grade. The children in
2 my class are boys and girls ages seven through nine years old. Of my seven students,
3 all of them have disabilities. Listed by number, the following students have the
4 following disabilities and require the following curricular and environmental
5 accommodations to learn and participate effectively in class:
6

7 a) STUDENT #1: STUDENT #1 is an 8.3 year-old girl in the third grade. She was
8 diagnosed with a bilateral profound sensorineural auditory neuropathy at
9 approximately 6 months. She was implanted with two cochlear implants on 10/3/11,
10 at 2 years, 1 month. Thus making her hearing age 6 years, 2 months. She currently
11 wears two Nucleus 6 Cochlear Implants. STUDENT #1 has attended a special day
12 Listening and Spoken Language Deaf and Hard of Hearing program since preschool.
13 She also receives weekly services from Los Angeles Unified School System's
14 educational audiologist and Speech and Language Pathologist. She receives
15 additional audiology and auditory verbal therapy outside of school. STUDENT #1
16 receives the following accommodations: Cochlear Implants, FM system/ classroom
17 amplification; preferential seating in close proximity to speaker and/or learning
18 activity; small group instruction; obtain student's attention prior to speaking;
19 auditory first input; gestural cues when necessary; acoustic highlighting; adult
20 language models; reduced auditory distractions/ background noise, extended time
21 when necessary; additional practice; clear modeling, step-by-step phrasing,
22 rephrasing, repetition, and clarification of oral information, instructional materials,
23 and directions; instructions and test questions read aloud; pre/ post teaching; explicit
24 vocabulary and language instruction; frequent checks for understanding; realia and
25 visual aids; visual supplements (interactive whiteboard, document reader, speakers,
26 charts, picture vocabulary lists, outlined lectures); peer note taker; captioning;
27 frequent listening breaks. For all curriculum and assessments that require STUDENT
28

1 #1 to respond to audio/listening stimuli, STUDENT #1 will have access to hearing
2 and/or amplification technology as appropriate. STUDENT #1 received a "Review
3 Three Year Evaluation" in October, 2017. According to The Test of Auditory
4 Comprehension, administered on October 6, 2017, STUDENT #1 was not able to
5 comprehend a 7-10 sentence story containing simple, compound and complex
6 grammatical structures in a quiet environment. This student is a level 1, beginner,
7 English language learner. Based upon my experience and observations of STUDENT
8 #1, the ongoing noise and distraction of a construction project just 5 yards from our
9 classroom windows would severely disrupt and compromise, her social and
10 educational development for the duration of the construction project. Amplification
11 devices are effective in educational environments wherein noise can be controlled.
12 For example, ongoing noise sources such as air conditioners must meet certain
13 dampened sound requirements. As an accommodation for STUDENT #1, and all the
14 students in my classroom, we have carpets on our classroom floor, fabric on the
15 walls, and a drop ceiling to minimize sound reverberation. Acoustic interruptions/
16 background noise will make it difficult for STUDENT #1 to listen and comprehend
17 critical information when masked by background noise. This will cause her to miss
18 important academic information due to distractibility and her ability to comprehend
19 the lessons through background noise.

- 20 b) STUDENT #2: STUDENT #2 is an 8.7 year old boy in the third grade. He was
21 diagnosed with a bilateral moderate to profound sensorineural hearing loss. He
22 received amplification for the first time in Kindergarten around January of 2014, at
23 approximately 5.4 years old. Thus making his hearing age, approximately 3.10 years.
24 He currently wears two hearing aids. Aided test results completed at House
25 Children's Center in August 2016 with STUDENT #2's Phonak Sky Q50 UP hearing
26 aids were in the mild to moderate range of hearing loss. STUDENT #2 has attended
27 a special day Listening and Spoken Language Deaf and Hard of Hearing program
28

1 since January 2014. He also receives weekly services from Los Angeles Unified
2 School System's educational audiologist, auditory verbal therapist, and Speech and
3 Language Pathologist. He receives outside audiology services. STUDENT #2
4 receives the following accommodations: Hearing aids, FM system, captioning,
5 specialized seating arrangements, obtain student's attention prior to speaking,
6 reduced auditory distractions, realia, extra time, rephrasing information and
7 directions, check for understanding, visual supplements (interactive whiteboard,
8 document reader, speakers, charts, vocabulary lists, outlined lectures), peer note
9 taker, frequent listening breaks, extra time when needed, step-by-step directions,
10 instructions and test questions read aloud, pre/post teaching, adult language models,
11 explicit vocabulary and language instruction. STUDENT #2 received a "Review
12 Three Year Evaluation" in March of 2017. He received assessments in listening,
13 language, speech, and overall academics using the following test: The Test of
14 Auditory Comprehension, (TAC), Kaufman Test of Educational Achievement 3rd
15 Edition (KTEA-3), One Word Receptive Picture Vocabulary Test (OWRPVT), One
16 Word Expressive Picture Vocabulary Test (OWEPVT). The TAC was administered
17 1/23/17, STUDENT #2 was unable to comprehend speech phrases containing 4
18 critical elements (i.e. I saw the orange car and large cat). According to the
19 OWRPVT, he received an age equivalence of 3.0 years old. He received a score of
20 2.1 years old on the expressive vocabulary test. According to the KTEA-3 he
21 received the grade equivalence of <PK.0 in both Oral Expressions and Listening
22 Comprehension. He is also an English language learner. According to last year's
23 California English Language Development Test scores, STUDENT #2 received a
24 score of 1- Beginner. Based on my experiences, the student's hearing loss, and test
25 scores provided above, STUDENT #2 will have a very difficult time hearing with
26 background noise and distraction. STUDENT #2 is a hard working student and tries
27 his best; however, his hearing loss, language and listening delays make it difficult for
28

1 him to accurately hear and comprehend spoken language without a quiet
2 environment. Based upon my experience and observations of STUDENT #2, the
3 ongoing noise and distraction of a construction project just 5 yards from our
4 classroom windows would severely disrupt and compromise his social and
5 educational development for the duration of the construction project. Acoustic
6 interruptions/ background noise will be amplified through his hearing aids and make
7 it impossible for him to listen and discern which sounds are voices and information
8 that needs to be processed from unimportant noise. As a fairly new listener, these
9 tasks are already difficult for him. His hearing loss makes listening, focusing, and
10 comprehending the information presented throughout the day more difficult which
11 causes listening fatigue. As STUDENT #2 becomes increasingly exhausted he will
12 miss more information, affect his memory recall, and retention. Additional
13 background noise due to construction will cause him to tire earlier in the day. This
14 will cause him to miss important academic information due to his lack of attention,
15 distractibility, and fatigue.

- 16 c) STUDENT #3: STUDENT #3 is a 7.2 year old girl in the second grade. She was
17 diagnosed with severe to profound sensorineural hearing loss in the right ear and a
18 profound sensorineural hearing loss in the left ear. She received a cochlear implant
19 on her left ear in March 2012 at the House Ear Institute CARE Center, at
20 approximately 1.5 years old. Thus making her hearing age, 5 years, 8 months. She
21 currently wears a Nucleus 5 cochlear implant. STUDENT #3 has attended Palm's
22 special day Listening and Spoken Language Deaf and Hard of Hearing program for
23 the past two years. She also receives weekly services from Los Angeles Unified
24 School System's educational audiologist, auditory verbal therapist, and Speech and
25 Language Pathologist. She receives outside audiology services. She has been in and
26 out of foster care since she was approximately 3 years old. She is currently living
27 with her grandmother and 1 of 3 siblings. According to Grandmother, STUDENT #3
28

1 has been diagnosed with Post Traumatic Stress Disorder (PTSD), Attention Deficit
2 Hyperactivity Disorder (ADHD), and Anxiety Attachment disorder. She is not taking
3 medicine for her ADHD. She receives counseling and additional services through
4 California Children Services. STUDENT #3 receives the following
5 accommodations: Preferential setting, checking for understanding, acoustically
6 appropriate setting. Based upon my experience and observations of STUDENT #3,
7 the ongoing noise and distraction of a construction project just 5 yards from our
8 classroom windows would severely disrupt, if not totally compromise, her social and
9 educational development for the duration of the construction project. Acoustic
10 interruptions/ background noise will be amplified through her cochlear implant and
11 increase difficulty level for her to hear and comprehend important information. Not
12 only will the construction project affect her ability to hear and listen to classroom
13 instruction but STUDENT #3 often exhibits hyperactivity, attention and focus
14 difficulties, off-task behaviors, and tantrums. STUDENT #3's academics are
15 impeded by her hearing loss, PTSD and ADHD. She is easily distracted and requires
16 consistent redirecting. She becomes distracted by her peers, outside events, noises,
17 her emotions, and exhaustion. She has difficulty with authority and social emotional
18 skills. STUDENT #3 occasionally has tantrums, which last approximately 30-45
19 minutes when she becomes too overwhelmed. Her tantrums are typically brought on
20 by changes in her schedule or home situations. Her hearing loss, PTSD, and ADHD
21 make listening, focusing, and comprehending the information presented throughout
22 the day more difficult which causes her to experience listening fatigue. Listening
23 fatigue increases the likelihood of STUDENT #3 experiencing a tantrum. Additional
24 background noise due to construction will cause her to tire earlier in the day. This
25 will cause her to miss important academic information due to her lack of attention,
26 distractibility, and emotions.

1 d) STUDENT #4: STUDENT #4 is an 8.9 year old girl in the second grade. STUDENT
2 #4's main diagnosis is "Other Health Impairments". STUDENT #4 has a rare
3 disorder which causes the following: intellectual delays, vision problems, hearing
4 loss, sensory sensitivity, aggressive behavior, social difficulties, and oppositional
5 defiance. STUDENT #4 has moderate to severe hearing loss at the right ear and
6 moderately-severe loss at the left ear. She wears two Phonak Q50m13 hearing aids.
7 STUDENT #4 has attended a special day Listening and Spoken Language Deaf and
8 Hard of Hearing program since August 2017. Prior to this placement she was in an
9 unspecified special day classroom. She also receives weekly services from Los
10 Angeles Unified School System's educational audiologist, Speech and Language
11 Pathologist, and Occupational Therapist. She is currently being evaluated for
12 adaptive physical education and physical therapy. She uses assistive technology, a
13 keyboard for writing. She receives outside audiology services. STUDENT #4's
14 accommodations include: FM system, small group instruction, repetition, natural
15 gesture cues, modeling, additional practice. Clear modeling of correct sounds and
16 positive reinforcement for attempting to produce correct sounds and expanded
17 utterances. Adult language opportunities to practice expressing ideas and feelings in
18 daily routines, preferential seating in close proximity to speaker and/or learning
19 activity. Repetition of all instructional material and directions; use of realia and
20 visual aids; classroom amplification; prompting; cuing; repetition and clarification of
21 oral information; frequent checks for understanding; extended time for tasks;
22 acoustic highlighting, auditory-only input, and a reduction in background noise when
23 possible. For all curriculum and assessments that require STUDENT #4 to respond
24 to audio/listening stimuli, STUDENT #4 will have access to hearing and/or
25 amplification technology as appropriate. Based upon my experience and
26 observations of STUDENT #4, the ongoing noise and distraction of a construction
27 project just 5 yards from our classroom windows would severely disrupt, if not
28

1 totally compromise, her social and educational development for the duration of the
2 construction project. Acoustic interruptions/ background noise will be amplified
3 through her hearing aids and make it impossible for her to listen and discern which
4 sounds are voices and information that needs to be processed from unimportant
5 noise. Not only will the construction project affect her ability to hear and listen to
6 classroom instruction but STUDENT #4 often exhibits aggressive and oppositional
7 behaviors when she experiences change, loud noises, frustration, when working
8 independently, and when she is tired. She is easily distracted and has difficulty with
9 authority. Her hearing loss makes listening, focusing, and comprehending the
10 information presented throughout the day more difficult which causes her to
11 experience listening fatigue. As STUDENT #4 becomes increasingly exhausted the
12 likelihood of her exhibiting aggressive behaviors and oppositional defiance increase
13 drastically. Additional background noise due to construction will cause her to tire
14 earlier in the day. This will cause her to miss important academic information due to
15 her lack of attention, distractibility, and emotions. Moreover, amplification of sharp
16 unexpected sounds are painful for her due to her sensory sensitivity.

- 17 e) STUDENT #5: STUDENT #5 is a 9.7 year old girl in the third grade. She has a
18 moderate rising to mild conductive hearing loss at the left ear and a severe to
19 moderate conductive loss at the right ear. STUDENT #5 has right ear microtia and
20 atresia and had outer ear surgery in November 2013. STUDENT #5 uses a Bone
21 Anchored Hearing Aid, BP100 on a softband and has used a Phonak Bolero behind-
22 the-ear hearing aid at the left ear since December 2015. STUDENT #5 has attended a
23 special day Listening and Spoken Language Deaf and Hard of Hearing program
24 since preschool. She also receives weekly services from Los Angeles Unified School
25 System's educational audiologist and Speech and Language Pathologist. She
26 receives outside audiology services. STUDENT #5 receives the following
27 accommodations: Hearing aid, bone conductive hearing aid, FM system, captioning,
28

1 specialized seating arrangements, obtain student's attention prior to speaking,
2 reduced auditory distractions, realia, extra time, rephrasing information and
3 directions, check for understanding, visual supplements (interactive whiteboard,
4 document reader, speakers, charts, vocabulary lists, outlined lectures), peer note
5 taker, frequent listening breaks, step-by-step directions, instructions and test
6 questions read aloud, pre/post teaching, adult language models, explicit vocabulary
7 and language instruction. STUDENT #5 received a "Review Three-Year Evaluation"
8 in April of 2017. She was assessed using The Test of Auditory Comprehension
9 (TAC), Kaufman Test of Educational Achievement 3rd Edition (KTEA-3), and the
10 One Word Receptive Picture Vocabulary Test (OWRPVT). On the TAC, STUDENT
11 #5 was not able to comprehend a 7-10 sentence story containing simple, compound
12 and complex grammatical structures in a quiet environment, one-on-one. On the
13 OWRPVT, STUDENT #5 received an age equivalence of 5.6 years. She received a
14 score of <PK.0 in Oral Expressions and PK.1 in Listening Comprehension on the
15 KTEA-3. Based upon my experience and observations of STUDENT #5, the
16 ongoing noise and distraction of a construction project just 5 yards from our
17 classroom windows would severely disrupt, if not totally compromise, her social and
18 educational development for the duration of the construction project. Acoustic
19 interruptions/ background noise will be amplified through her bone conductive
20 hearing aid and hearing aid, which will make it difficult for her to listen and
21 comprehend academics. This will cause her to miss important academic information
22 due to distractibility.

- 23 f) STUDENT #6: STUDENT #6 is an 8.2 year old girl in the third grade. STUDENT
24 #6 was initially diagnosed with hearing loss May 2012 at 2 years 8 months. She
25 received a Nucleus 6 cochlear implant for her right ear in March 2014 at
26 approximately 4.6 years old. She has a severe hearing loss in her left ear in which
27 she wears a hearing aid. Thus making her hearing age, approximately 3. 9 years old.
28

1 STUDENT #6 has attended a special day Listening and Spoken Language Deaf and
2 Hard of Hearing program since 2014. She also receives weekly services from Los
3 Angeles Unified School System's educational audiologist and Speech and Language
4 Pathologist. She receives outside audiology services and auditory verbal therapy. As
5 far as I know, STUDENT #6 is receiving counseling through an outside source due
6 to behavior issues at home and attention difficulties. STUDENT #6 is a level 1-
7 beginner English language learner. STUDENT #6 receives the following
8 accommodations: FM system, CI, hearing aid, small group instruction, modeling,
9 additional practice. Clear modeling of correct sounds and positive reinforcement for
10 attempting to produce correct sounds and expanded utterances. Adult language
11 opportunities to practice expressing ideas and feelings in daily routines, preferential
12 seating in close proximity to speaker and/or learning activity. Repetition of all
13 instructional material and directions; use of realia and visual aids; adult language
14 modeling; classroom amplification; prompting; cuing; repetition and clarification of
15 oral information; frequent checks for understanding; extended time for tasks;
16 acoustic highlighting, auditory-only input first, gesture cues when needed, and a
17 reduction in background noise. For all curriculum and assessments that require
18 STUDENT #6 to respond to audio/listening stimuli, STUDENT #6 will have access
19 to hearing and/or amplification technology as appropriate. Based upon my
20 experience and observations of STUDENT #6, the ongoing noise and distraction of a
21 construction project just 5 yards from our classroom windows would severely
22 disrupt, if not totally compromise, her social and educational development for the
23 duration of the construction project. Acoustic interruptions/ background noise will be
24 amplified through her bone conductive hearing aid and hearing aid, which will make
25 it difficult for her to listen and comprehend academics. This will cause her to miss
26 important academic information due to distractibility. STUDENT #6 has difficulty
27 focusing on her assignments and active listening. She is easily distracted. The
28

1 additional noise from the construction project will make it more difficult for her to
2 complete her work and comprehend academics within the classroom.

3 g) STUDENT #7: STUDENT #7 is a 7.11 year old boy in the second grade. He has a
4 mild to moderate sensorineural hearing loss in the right ear and a moderate
5 sensorineural hearing loss in the left ear. His initial IEP was held on October 2, 2014,
6 at approximately 4.9 years. He currently wears two Oticon Sensei Pro BTE hearing
7 aids. STUDENT #7 has attended a special day Listening and Spoken Language Deaf
8 and Hard of Hearing program since 2014. He also receives weekly services from Los
9 Angeles Unified School System's educational audiologist and Speech and Language
10 Pathologist. He receives outside audiology services and speech and language
11 services. STUDENT #7 receives the following accommodations: Hearing aids, FM
12 system/ classroom amplification; preferential seating in close proximity to speaker
13 and/or learning activity; small group instruction; obtain student's attention prior to
14 speaking, auditory first input, gestural cues when necessary; acoustic highlighting;;
15 adult language models; reduced auditory distractions/ background noise, extended
16 time when necessary; additional practice; clear modeling, step-by-step phrasing,
17 rephrasing, repetition, and clarification of oral information, instructional materials,
18 and directions; instructions and test questions read aloud; pre/ post teaching , explicit
19 vocabulary and language instruction; frequent checks for understanding; realia and
20 visual aids, visual supplements (interactive whiteboard, document reader, speakers,
21 charts, vocabulary lists, outlined lectures); peer note taker, captioning; frequent
22 listening breaks. For all curriculum and assessments that require STUDENT #7 to
23 respond to audio/listening stimuli, STUDENT #7 will have access to hearing and/or
24 amplification technology as appropriate. STUDENT #7 received a "Review Three-
25 Year Evaluation" in October of 2017. He was assessed using the Test of Auditory of
26 Comprehension (TAC), Kaufman Test of Educational Achievement 3rd Edition
27 (KTEA-3), One Word Receptive Picture Vocabulary Test (OWRPVT), One Word
28

1 Expressive Picture Vocabulary Test (OWEPVT). When administered the TAC,
2 STUDENT #7 was not able to comprehend speech phrases containing four critical
3 elements (show me the 'broken...airplane...and new...shoes'). He received a score of
4 <PK.0 on Oral Expressions and Listening Comprehension on the KTEA-3 in a quiet
5 environment. On the OWRPVT he received an age equivalence of 4.2 years and 3.6
6 years on the OWEPVT. STUDENT #7 is also a level 1, beginner, English Language
7 learner. Based upon my experience and observations of STUDENT #7, the ongoing
8 noise and distraction of a construction project just 5 yards from our classroom
9 windows would severely disrupt his social and educational development for the
10 duration of the construction project. Acoustic interruptions/ background noise will be
11 amplified through his hearing aids and make it impossible for him to listen and
12 discern which sounds are voices and information that needs to be processed from
13 unimportant noise. Not only will the construction project affect his ability to hear
14 and listen to classroom instruction but STUDENT #7 exhibits signs of sensory
15 sensitivity to noise. He is easily distracted by outside sources increasing the
16 likelihood of off-task behaviors.

- 17
- 18 5. Additionally, I, Kristen A. Ward, the special day class Listening and Spoken
19 Language teacher have allergies, Attention Deficit Hyperactivity Disorder (ADHD)
20 and asthma. I currently take daily medication for my ADHD; however, even
21 medicated it is difficult for me to focus on tasks and stay organized without
22 becoming distracted. I am easily distracted by loud or novel noises. This makes it
23 extremely difficult for me to focus on the task at hand. As the teacher, I have the
24 most important job. I need to be focused with limited outside distractions so I can
25 provide my students with the best education I can.
- 26
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- 1 6. My asthma will be badly impacted by the construction project. As an adult, my
2 asthma is triggered by allergies, dust, weather changes, and illness. I was diagnosed
3 with severe asthma at approximately 6 months due to pneumonia. I have been
4 hospitalized several times due to my asthma. I am concerned that with all the debris,
5 dust, and other chemicals floating around it will trigger my asthma. It will be very
6 difficult for me to teach if I am having difficulty breathing or become ill.
7
- 8 7. My classroom touches the property line of the 3568 Motor Ave construction site.
9 Students from my class, as well as other classes, have their recess/play times on the
10 open-air playground which is within a few yards of that construction site. In my
11 observation, the children run, play and inhale rapidly and heavily when on the
12 playground.
13
- 14 8. The construction project will affect the learning environment and school. The
15 building will shade the entirety of the Kindergarten play yard as well as many other
16 buildings. The seven story building will have windows looking down on the students
17 play areas – creating safety and security issues. Moreover, it is already difficult to
18 find parking with the community especially on Wednesdays and Thursdays when the
19 city does street cleaning. Employees at Palm's Elementary are already forced to
20 double park and block in coworkers. Traffic and parking will be worse.
21
- 22 9. From what I have read, I understand that the 3568 Motor Ave construction project
23 will release emissions into the air containing PM2.5 and PM10 particulate matter,
24 nitrogen oxide gases, reactive organic gases, 'fugitive dust,' and other toxic
25 substances. I am extremely concerned for my students' health, as well as my own.
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1 10. I only learned of the 3568 Motor Avenue construction project in the past several
2 days. I find it very unsettling, disgraceful, and manipulative that Palms Elementary
3 teachers and parents were not notified about the construction project in advance. I do
4 not know how a company can decide, and be permitted, to build such a large project
5 in a residential area without taking into consideration the surrounding community.
6 There should have been environmental testing and opportunities for the community
7 to respond. This project was decided on without any thought about how it will affect
8 the students at Palms Elementary or the community.
9

10 I declare, under penalty of perjury under the laws of the State of California, and the
11 United States of America, that above statement is true and correct, and that this declaration
12 was executed in the County of Los Angeles, California, on December 3rd, 2017.

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15 Signature of Declarant
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DECLARATION OF SHINKAI KARZAI

I, Shinkai Karzai, declare as follows:

1. I am over 18 years of age. My business address is 3520 Motor Ave, Los Angeles, CA 90034. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. I am employed as an elementary school teacher for the Los Angeles Unified School District at Palms Elementary School ("Palms"). I began teaching at Palms on August of 2011. I have been an educator for LAUSD since August of 1998.
3. I attended college at UCLA majoring in Sociology and earned a Bachelor of Arts degree in the year 1998. I have earned a Masters degree in the field of Public Administration from USC in the year 2002. Additionally, I possess the following professional certifications and/or licenses: Multi-subject Professional Clear Teaching Credential.
4. Palms students are in pre-kindergarten through fifth grade classes. Our school day begins at 8:10 a.m. and ends at 2:33 p.m.
5. I currently teach a class of 28 - 33 children in grade 4. The children in my class are boys and girls ages 9 through 10. I say 28 - 33 because students from two different Special Education classes mainstream in my class for various parts of the day. A total of 5 different students mainstream with me. The students who mainstream with me are 2 students from the Special Day Class and 3 from the DHH (Deaf and Hard of Hearing) class. In addition to the students who mainstream with me, two of my students, have disabilities. Listed by number, the following students have the

1 following disabilities and require the following curricular and environmental
2 accommodations to learn and participate effectively in class:

- 3
- 4 a) STUDENT #1: STUDENT #1 is 9 years old and has a specific learning disability.
5 STUDENT #1's disability was confirmed on June of 2012. STUDENT #1's specific
6 learning disability requires that he have the following accommodations; preferential
7 seating, refocusing, small group instruction, repetition and clarification of directions
8 and graphic organizers for writing, As I have worked with STUDENT #1, I have
9 noticed that he gets distracted very easily and needs to be refocused often. The
10 construction noise will cause him to be very distracted and therefore hinder his
11 education.
- 12 b) STUDENT #2: STUDENT #2 is 10 years old. She has Specific Language
13 Impairment. STUDENT #2's disability was confirmed on 2/10/2012. STUDENT
14 #2's specific language impairment requires that she have the following
15 accommodations; preferential seating, refocusing, small group instruction, repetition
16 and clarification of directions and hands on materials for math as needed, In
17 STUDENT #2's case she has a lot of trouble completing tasks because she gets
18 distracted so easily. She has a lot of trouble with our normal day to day interruptions.
19 It will be extremely difficult for her to complete tasks with constant noise coming
20 from the construction site.
- 21 c) I also have 3 students from the DHH classroom that mainstream in my class for
22 various amounts of time during the day. I know that the noise will be very
23 detrimental to their learning.
- 24 d) In addition, I have 2 students from the Special Day Class that Mainstream with. I
25 know that the noise from the construction site will be very distracting and affect their
26 ability to access the curriculum.
- 27
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1 6. When I first heard of the 3568 Motor Avenue construction project my immediate
2 thought was that it is going to cause a tremendous amount of traffic during drop-off
3 and pick-up time. Traffic near and around the school is horrible in the morning. We
4 have a very small lot for teachers and there is no parking on campus for parents.
5 Parents have to park on the streets around the school. With a construction project of
6 this magnitude, our traffic congestion problems will be exacerbated. I really worry
7 about the safety of our students and their families. As I continued to think about this
8 project and learned more about the details, it became clear to me that the noise
9 during the school day was going to be another major problem. In my 19 years of
10 experience as an elementary school teacher, I have observed that external noise is
11 very detrimental to the learning process. Elementary age students are easily
12 distracted. A car honking, a helicopter flying overhead easily distracts my students
13 and I have to refocus their attention when that occurs. I know that the construction
14 noise will be very distracting and harmful to my students. All of the noise will
15 negatively impact their ability to access the curriculum and learn.

16
17 7. My classroom is less than 10 yards from the 3568 Motor Avenue construction site.
18 Students from my class, as well as other classes, have their recess/play times on the
19 open-air playground, part of which is immediately next to that construction site. My
20 class uses the space for Physical Education instruction. My class works in the garden
21 which is right behind my classroom and faces the construction project. I know that
22 the size of the project will increase shade and therefore limit natural light that comes
23 into my classroom. I will no longer be able to open my windows to get fresh air.
24 Stale indoor air can also cause serious health problems.

25
26 8. From what I have read, I understand that the 3568 Motor Ave construction project
27 will release emissions into the air containing PM2.5 and PM10 particulate matter,
28 nitrogen oxide gases, reactive organic gases, 'fugitive dust,' and other toxic

1 substances. I am extremely concerned for my students' health, as well as my own.
2 This really worries me. As young children are very vulnerable to chemicals and dust.
3 Our school has many students that have asthma and other respiratory problems and
4 this will negatively impact their health. It is hard for me to believe that a building
5 this size would be allowed next to an elementary school, let alone be allowed to be
6 built during school hours. The safety and well-being of children and adults that work
7 at the school should be of utmost concern and not the profits of a developer. We are
8 not talking about a few months but two years! The proximity of the project to the
9 school should be a major concern for City officials and any developer when
10 considering the size of their building. I am hopeful that our City government will
11 protect the students and staff at Palms Elementary. The disruption to our daily lives,
12 the health risks and noise pollution this project brings to our community is not worth
13 the profits any developer will make.

14
15 I declare, under penalty of perjury under the laws of the State of California, and the
16 United States of America, that above statement is true and correct, and that this declaration
17 was executed in the County of Los Angeles, California, on December 3rd, 2017.

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20 Signature of Declarant
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DECLARATION OF MOLLY TEMPLE

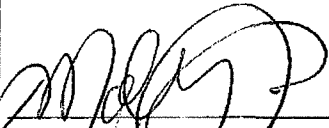
I, Molly Temple, declare as follows:

1. I am over 18 years of age. My business address is 3520 Motor Ave, Los Angeles, CA 90034. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. I employed as an elementary school teacher for the Los Angeles Unified School District at Palms Elementary School ("Palms"). I began teaching at Palms in August of 2012.
3. I attended college at the University of California, Los Angeles ("UCLA") majoring in World Arts and Cultures and earned a Bachelor of Arts degree in the year 2011. I also earned a Masters degree from UCLA in the field of Education in the year 2013.
4. Palms students are in pre-kindergarten through fifth grade classes. Our school day begins at 8:10 a.m. and ends at 2:33 p.m.
5. I currently teach a class of 25 children in first grade. The children in my class are boys and girls ages 6 through 7 years old.
6. I have several students who have environmental allergies from dust and debris. I also have students who have asthma. The construction proposed would greatly affect the health of these students. When a student needs to use their inhaler more often, they are missing out on important learning time. When young children are unable to focus on their work and learning due to their distracting and uncomfortable allergies, their ability to access the curriculum, express themselves to their peers, and effectively participate in the educational process is compromised.

- 1
- 2 7. My classroom is less than 20 yards from the 3568 Motor Ave construction site.
- 3 Students from my class, as well as other classes, have their recess/play times on the
- 4 open-air playground which is within a few yards of that construction site. In my
- 5 observation, the children run, play and inhale rapidly and heavily when on the
- 6 playground.
- 7
- 8 8. From what I have read, I understand that the 3568 Motor Ave construction project
- 9 will release emissions into the air containing PM2.5 and PM10 particulate matter,
- 10 nitrogen oxide gases, reactive organic gases, 'fugitive dust,' and other toxic
- 11 substances. I am extremely concerned for my students' health, as well as my own.
- 12
- 13 9. Students also fall, scrape their knees, roll on the ground, and play in the dirt in the tree
- 14 wells. The presence of particulates, dust and other toxins not only in the air, but also
- 15 that have settled on the ground, is a dangerous health risk for my students because they
- 16 will be making continued bodily contact with these materials over the course of the
- 17 demolition, excavation and construction – which I understand to be at least two years.
- 18
- 19 10. Four years ago, our school was given a grant to completely redo and install an outdoor
- 20 garden behind the kindergarten classrooms. This garden has been used as an important
- 21 place for hands on learning for all of our students. My students have been to the garden
- 22 several times. They have used the garden with their fifth grade reading buddies,
- 23 watered and planted seeds, use it as a comfortable place to read and work, and also use
- 24 it as a place for scientific observation. The height of the proposed building at 3568
- 25 Motor Avenue would put that garden in complete shade and compromise its
- 26 functionality. This will eliminate the garden as a needed learning resource for ALL
- 27 students at Palms Elementary.
- 28

1 11. It is unfair for the teachers and parents to not have been informed of this project. We
2 should have had timely and effective notice which informed us and allowed us to be
3 heard in this process. Leaving us out of the process shows a blatant disregard for our
4 community.

5
6 I declare, under penalty of perjury under the laws of the State of California, and the
7 United States of America, that above statement is true and correct, and that this declaration
8 was executed in the County of Los Angeles, California, on December 3rd, 2017.

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11 Signature of Declarant

DECLARATION OF AMY FRANCO

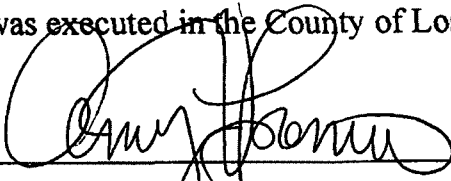
I, Amy Franco, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son A.D.G, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2015. My child is 8 years old and is now in the 2nd grade, in Ms. Higashi's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child has been diagnosed with special needs or ailments and requires help to learn and participate in class. My child has congenital bilateral hearing loss, requiring the use of hearing aids. A.D.G. is currently under the care of an Ear, Nose, and Throat (ENT) doctor, and Audiologist. He is sensitive to loud noise, especially while wearing his hearing aids, and his hearing is impacted by surrounding noises. A.D.G. also suffers from seasonal allergies, diagnosed by his pediatrician, as evidenced by rhinorrhea and dry cough. My concern is that surrounding construction will not only impact his hearing while wearing hearing aids during school hours, but that any dust created by construction will impact his breathing and trigger his allergies. Both will greatly impact his health and education.

1 5. I did not know anything about the construction project at 3568 Motor Avenue until a
2 teacher from school told me after Thanksgiving this year. I believe the date was
3 December 3, 2017. Before that, I knew nothing about the construction.
4

5 6. From what I understand, the 3568 Motor Ave construction project will release
6 poisonous gas, dust and other particles into the air around my child's school and
7 playground. I am extremely concerned for the health of all the children and teachers
8 at the school. I oppose the project.
9

10 I declare, under penalty of perjury under the laws of the State of California, and the
11 United States of America, that above statement is true and correct, and that this declaration
12 was executed in the County of Los Angeles, California, on 12 / 4 / 17.

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14 _____

15 Signature of Declarant
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1 **DECLARATION OF ANA LAURA ANTONIO**

2 I, Ana Antonio, declare as follows:

3
4 1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C.,
5 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a
6 witness, I could and would competently testify to the following based on personal
7 knowledge:

8
9 2. My daughter KQ, is a student at Palms Elementary School, located at 3520 Motor
10 Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms
11 in the year 2015. My child is 7 years old and is now in the 2 grade, in M s.
12 Higashi's class.

13
14 3. I am a member of the Palms Elementary Family Association and so is my child.

15
16 4. My child becomes very easily distracted as a result of noise. Sharp unexpected
17 noises, as well as ongoing noises, interfere with my child's ability to focus attention.

18
19 5. I did not know anything about the construction project at 3568 Motor Avenue until a
20 teacher from school told me after Thanksgiving this year. I believe the date was
21 November 30, 2017. Before that, I knew nothing about the construction.

22
23 6. From what I understand, the 3568 Motor Ave construction project will release
24 poisonous gas, dust and other particles into the air around my child's school and
25 playground. I am extremely concerned for the health of all the children and teachers
26 at the school. I oppose the project.

1 I believe that the construction of the building will affect my daughter so negatively
2 because of all the noise they will be making using big machinery and also traffic will
3 get worse. We don't want the air to be contaminated with all the fumes that
4 demolition causes.

5
6 I declare, under penalty of perjury under the laws of the State of California, and the
7 United States of America, that above statement is true and correct, and that this declaration
8 was executed in the County of Los Angeles, California, on 12 / 4 / 17.

9
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11 _____
Signature of Declarant

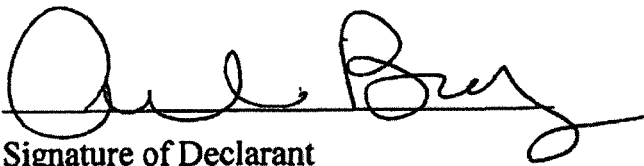
DECLARATION OF Araceli Boyce

I, Araceli Boyce declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son N.B is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017. My child is 5 years old and is now in the K grade, in Mr. Oropollo's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child has been assessed and/or diagnosed with special needs and requires help to learn and participate in class. My child is/has _Autism Spectrum Disorder and Mastocytosis he is being treated by Childrens hospital of los angeles for mastocytosis and was diagnosed with Authism by Westside Regional Center
-My child is easily spooked and distracted by loud noises, He has sensory issues that will interfere with his learning, His mastocytosis can be triggred by enviornmental changes, such as dust, fumes and chemical, if triggered he can experience severe reactions such as anaphaxis. He currently carries an epi pen in the event this occurs. Masto reaction can also cause him to experience aggressive behaviors that will impede on his and his peers safety along with it being a health issue .

- 1 5. My child becomes very easily distracted as a result of noise. Sharp unexpected
2 noises, as well as ongoing noises, interfere with my child's ability to focus attention.
3
4 6. I did not know anything about the construction project at 3568 Motor Avenue until a
5 teacher from school told me after Thanksgiving this year. I believe the date was
6 November 29, 2017. Before that, I knew nothing about the construction.
7
8 7. From what I understand, the 3568 Motor Ave construction project will release
9 poisonous gas, dust and other particles into the air around my child's school and
10 playground. I am extremely concerned for the health of all the children and teachers
11 at the school. I oppose the project.
12
13 8. The construction will impact my child's routine which is extremely important when
14 you are on the Autism Spectrum. The noise will effect him sensory wise and create
15 distraction and an inability to focus. Traffic and no parking will create a delay in his
16 routine aswell. But most importantly my concern is his Health and how the
17 construction ma cause him to have a severe and life threatening attack.
18

19 I declare, under penalty of perjury under the laws of the State of California, and the
20 United States of America, that above statement is true and correct, and that this declaration
21 was executed in the County of Los Angeles, California, on December 4, 2017

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24 Signature of Declarant

DECLARATION OF Araceli Boyce

I, Araceli Boyce declare as follows:

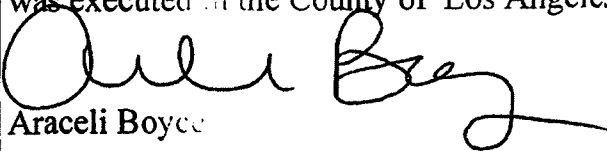
1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness. I could and would competently testify to the following based on personal knowledge:
2. My Granddaughter H.B is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017 My child is 6 years old and is now in the K grade, in Mr. Spencer's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child has been assessed and/or diagnosed with special needs or ailments and requires help to learn and participate in class. My child is/has Allergies
Diagnosed by Dr. Chen Venice Family Clinic
Dust, fumes will create allergic reactions severe enough to make her miss days of school instruction, causing her to get behind in her education.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.

1 6. I did not know anything about the construction project at 3568 Motor Avenue until a
2 teacher from school told me after Thanksgiving this year. I believe the date was
3 November 29, 2017. Before that, I knew nothing about the construction.
4

5 7. From what I understand, the 3568 Motor Ave construction project will release
6 poisonous gas, dust and other particles into the air around my child's school and
7 playground. I am extremely concerned for the health of all the children and teachers
8 at the school. I oppose the project.
9

10 8. This will create a strain on dropping off my children at school Traffic, parking is
11 already congested in this area. The amount of noise will be a distraction and will
12 make focusing on school work and learning an extreme challenge for my
13 Granddaughter.
14

15 I declare, under penalty of perjury under the laws of the State of California, and the
16 United States of America, that above statement is true and correct, and that this declaration
17 was executed in the County of Los Angeles, California, on _December 4, 2017

18 
19 Araceli Boyce

20 Signature of Declarant
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DECLARATION OF ARACELI IBANEZ

I, Araceli Ibanez, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2016__. My child is 9 years old and is now in the 1 grade, in Miss Lord
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November __30__, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.

7.

1 He is going to expose her fragile body to a lot of toxin gases that can cause cancer to
2 her. .If anything happens to her it will be your only responsibility. The machines
3 will be dangerous to her in case of accident.
4

5 I declare, under penalty of perjury under the laws of the State of California, and the
6 United States of America, that above statement is true and correct, and that this declaration
7 was executed in the County of Los Angeles, California, on 12 / 06 / 2017
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9 Araceli Ibañez

10 Signature of Declarant
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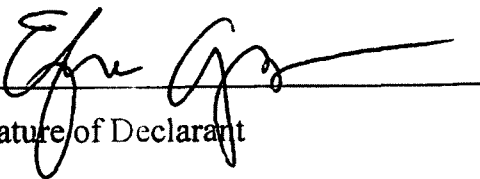
DECLARATION OF EFREN GONZALEZ

I, Efren Gonzalez, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter Mallika Gonzalez, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017. My child is 6 years old and is now in K grade, in Mr. Spencer's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child's classroom and play area is located next the construction site at 3568 Motor Ave and I believe it will impact my child's education and health due to noise, construction debris and will also generate a large amount of traffic in the Palms community.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
6. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was December, 23 2017. Before that, I knew nothing about the construction.

1 7. From what I understand, the 3568 Motor Ave construction project will release
2 poisonous gas, dust and other particles into the air around my child's school and
3 playground. I am extremely concerned for the health of all the children and teachers
4 at the school. I oppose the project.

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7 I declare, under penalty of perjury under the laws of the State of California, and the
8 United States of America, that above statement is true and correct, and that this declaration
9 was executed in the County of Los Angeles, California, on 12 / 4 / 2017.

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11 
12 Signature of Declarant

DECLARATION OF ERIKA ANTONIO

I, Erika Antonio, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter E.G. is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2012. My child is 9 years old and is now in the 4th grade, in Ms. Breeding.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 30, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.

1 7. She is going to expose her fragile body to a lot of toxin gases that can cause cancer
2 to her. .If anything happens to her it will be your only responsibility. The machines
3 will be dangerous to her in case of accident.
4

5 I declare, under penalty of perjury under the laws of the State of California, and the
6 United States of America, that above statement is true and correct, and that this declaration
7 was executed in the County of Los Angeles, California, on 12 / 06 / 2017
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9 Erika Antonio.

10 Signature of Declarant
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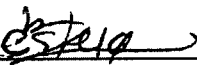
DECLARATION OF ESTELA MARTINEZ

I, ESTELA MARTINEZ, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My Mario Garcia, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2016__. My child is 8 years old and is now in the 3 grade, in Ms Shannon class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November __30__, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
7. Im really concern about this construction because is dangerous for my son .

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2 He is going to expose he fragile body to a lot of toxin gases that can cause cancer to
3 her. .If anything happens to her it will be your only responsibility. The machines
4 will be dangerous to his in case of accident.
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6 I declare, under penalty of perjury under the laws of the State of California, and the
7 United States of America, that above statement is true and correct, and that this declaration
8 was executed in the County of Los Angeles, California, on ___12___ / ___06___ /
9 ___2017___.

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11  _____

12 Signature of Declarant
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DECLARATION OF

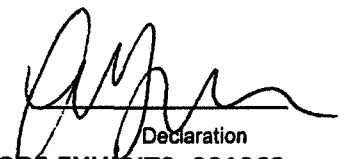
I, Felicia Guzman, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My R.S.L, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017. My child is 5 years old and is now in the K grade, in Mr. Spencer class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child has been assessed and/or diagnosed with special needs or ailments and requires help to learn and participate in class. My child has extreme Allergies and takes medication daily. Due to dust it can cause his allergies to act out more.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
6. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 29, 2017. Before that, I knew nothing about the construction.
7. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
8. This will create more traffic, noise and dust.

I declare, under penalty of perjury under the laws of the State of California, and the United States of America, that above statement is true and correct, and that this declaration was executed in the County of Los Angeles, California, on 12/ 04 /2017.

Felicia Guzman

Signature of Declarant



Declaration

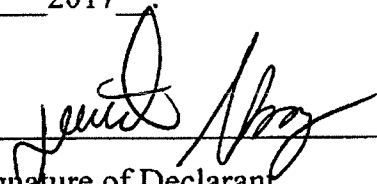
DECLARATION OF JANET GUTIERREZ

I, Janet Gutierrez, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My Ximena G, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2016__. My child is 6 years old and is now in the first grade, in Mss Lord] class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November __30__, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.

1 7. Im really concern about this construction because is dangerous for my daughter . she
2 is going to expose he fragile body to a lot of toxin gases that can cause cancer to her.
3 .If anything happens to her it will be your only responsibility. The machines will be
4 dangerous to her in case of accident.
5

6 I declare, under penalty of perjury under the laws of the State of California, and the
7 United States of America, that above statement is true and correct, and that this declaration
8 was executed in the County of Los Angeles, California, on ___12___ / ___06___ /
9 ___2017___

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11 _____
12 Signature of Declarant

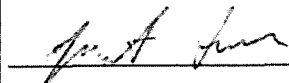
DECLARATION OF JUANITA FRANCO

I, Juanita Franco, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter E.T., is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2013. My child is 9 years old and is now in the 4th grade, in Ms. Karzai's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child has been diagnosed with ailments and requires help to learn and participate in class. My child has asthma. The dust and pollution from the construction project will make it difficult for her to breath.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
6. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 15, 2017. Before that, I knew nothing about the construction.
7. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and

1 playground. I am extremely concerned for the health of all the children and teachers
2 at the school. I oppose the project.

3
4 I declare, under penalty of perjury under the laws of the State of California, and the
5 United States of America, that above statement is true and correct, and that this declaration
6 was executed in the County of Los Angeles, California, on 12 / 4 / 2017.

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9 Signature of Declarant

DECLARATION OF Karla Garcia

I, Karla Garcia , declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son "A.G." , is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2015. My child is 6 years old and is now in the 1st grade, in
3. Ms.Temple class.
4. I am a member of the Palms Elementary Family Association and so is my child.
5. My child has been assessed and/or diagnosed with special needs or ailments and requires help to learn and participate in class. My child is/has environmental allergies. his ENT is Dr. McCalpin and my son takes medication daily.constant exposure to dust and chemicals are no good for his little lungs.
6. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
7. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 29, 2017. Before that, I knew nothing about the construction.
8. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
9. this project would have negative effects on our teachers, our community and on our children. Tabor is a narrow street that can not accomodate big trucks. our school has fought back before against co-location and we're speaking out now for the health and well-being of our children.

I declare, under penalty of perjury under the laws of the State of California, and the United States of America, that above statement is true and correct, and that this declaration was executed in the County of Los Angeles, California, on 12 / 4 /2017 .


Signature of Declarant

1 **DECLARATION OF MARIA DEL CARMEN SANTOS**

2 I, Maria Del Carmen Santos , declare as follows:

3
4 1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C.,
5 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a
6 witness, I could and would competently testify to the following based on personal
7 knowledge:

8
9 2. My son J.S, is a student at Palms Elementary School, located at 3520 Motor Ave,
10 Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the
11 year 2016. My child is 7 years old and is now in the 1st grade, in Ms. Lord class.

12
13 3. I am a member of the Palms Elementary Family Association and so is my child.

14
15 4. My child becomes very easily distracted as a result of noise. Sharp unexpected
16 noises, as well as ongoing noises, interfere with my child's ability to focus
17 attention.

18
19 5. I did not know anything about the construction project at 3568 Motor Avenue until a
20 teacher from school told me after Thanksgiving this year. I believe the date was
21 November 30, 2017. Before that, I knew nothing about the construction.

22
23 6. From what I understand, the 3568 Motor Ave construction project will release
24 poisonous gas, dust and other particles into the air around my child's school and
25 playground. I am extremely concerned for the health of all the children and teachers
26 at the school. I oppose the project.

1 I think this will affect not only my son but the the whole school. The kids wont have
2 any quiet time to learn, to focus with all the noise of the excavation, the drilling and
3 blowing. We sent our kids to school to learn not to suffer dust and noise.
4
5

6 I declare, under penalty of perjury under the laws of the State of California, and the
7 United States of America, that above statement is true and correct, and that this declaration
8 was executed in the County of Los Angeles, California, on 12 / 04 /17.
9

10 Maria Delcarmen Santos

11 Signature of Declarant
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DECLARATION OF MARTHA GARCIA

I, Martha Garcia, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter Martha, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2016__. My child is 6 years old and is now in the 1 grade, in Mss Lord class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November __30__, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
7. I'm really concern about this construction because is dangerous for my daughter .

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She is going to expose he fragile body to a lot of toxin gases that can cause cancer to her. .If anything happens to her it will be your only responsibility. The machines will be dangerous to her in case of accident.

I declare, under penalty of perjury under the laws of the State of California, and the United States of America, that above statement is true and correct, and that this declaration was executed in the County of Los Angeles, California, on 12 / 06 / 2017



Signature of Declarant


DECLARATION OF MARTHA GARCIA

I, Martha Garcia, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son Miguel is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2016__. My child is 9 years old and is now in the 1 grade, in Mss. Shannon
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November __30__, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
7. I'm really concern about this construction because is dangerous for my son.

1 He is going to expose he fragile body to a lot of toxin gases that can cause cancer to
2 her. .If anything happens to him it will be your only responsibility. The machines
3 will be dangerous to him in case of accident.
4

5 I declare, under penalty of perjury under the laws of the State of California, and the
6 United States of America, that above statement is true and correct, and that this declaration
7 was executed in the County of Los Angeles, California, on 12 / 06 / 2017
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9  _____

10 Signature of Declarant
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I, Muna Abdulkader, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son ["Z.J."], is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2015. My child is 7 years old and is now in the 2ND grade, in Ms. Higashi's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child has been assessed and/or diagnosed with special needs or ailments and requires help to learn and participate in class. My child sneezes when there is dust and has red eyes when there is dust.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
6. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 28, 2017. Before that, I knew nothing about the construction.
7. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and

1 playground. I am extremely concerned for the health of all the children and teachers
2 at the school. I oppose the project.

3
4 8. As a parent I don't want my kids to breathe all the stuff from the construction area.
5 This will make it difficult to drop of my kids on time because of the traffic. But, I
6 mostly worry about how this will affect my children's health. This will also be
7 distracting me kid' from learning at their best.

8
9 I declare, under penalty of perjury under the laws of the State of California, and the
10 United States of America, that above statement is true and correct, and that this declaration
11 was executed in the County of Los Angeles, California, on 12/4/2017.

12
13 Mama

14 Signature of Declarant

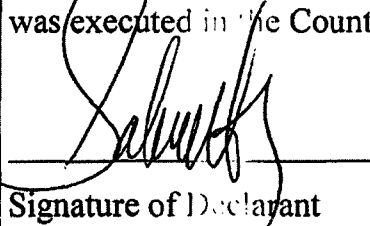
DECLARATION OF Salvador Vasquez

I, Salvador declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son, MV, is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017. My child is 5 years old and is now in the kindergarten, in Mr. Spencer's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 29th, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.

1 7. This project will negatively impact the community by adding congestion to traffic,
2 and environmental footprint. It will also affect the health of our son who has
3 allergies.
4

5 I declare, under penalty of perjury under the laws of the State of California, and the
6 United States of America, that above statement is true and correct, and that this declaration
7 was executed in the County of Los Angeles, California, on 12/04/2017.
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9 
10 Signature of Declarant

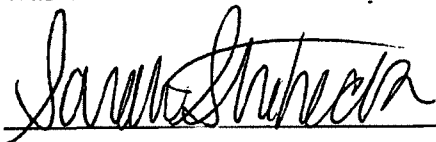
DECLARATION OF Sarah Strohecker

I, Sarah Strohecker, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son MV is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017. My child is 5 years old and is now in the kindergarten, in Mr. Spencer's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention. My child is also easily scared and startled, and I don't want him to be afraid of coming to school each morning.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 29, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.

1
2 7. Although I understand that some sort of construction is imminent I was hoping that
3 the well being of out children would be taken into consideration and that
4 construction would either begin during the summer, weekends or after school hours.
5 The amount of dust and dirt will seriously flare up my child's allergies. I am also
6 concerned that the constant amount of dust that will be present will cause my child to
7 have asthma or asthma like symptoms. In addition to affecting the health of the
8 children of Palm Elementary there will be an enormous increase in traffic and
9 congestion that will cause headaches, increase commute times and possibly even
10 increase the likelihood traffic collisions. I am very disappointed that no concern was
11 shown for the well being of the children at Palms Elementary, I have to wonder is
12 this what you would want going on around you children? And if there are health
13 consequences due to construction who will assume responsibility? All of these issues
14 should have been considered and addressed before construction was approved. I
15 understand that construction will take place eventually but there are things that need
16 to be addressed and accommodations need to be made for the health and well being
17 of our children.

18 I declare, under penalty of perjury under the laws of the State of California, and the
19 United States of America, that above statement is true and correct, and that this declaration
20 was executed in the County of Los Angeles, California, on __12__ / __4__ / 17__.

21 
22 _____

23 Signature of Declarant
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DECLARATION OF Violeta Garcia

I, Violet Garcia declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter S.T is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2017. My child is 5 years old and is now in the kinder grade, in Mr. spencer's class.
3. I am a member of the Palms Elementary Family Association and so is my daughter.
4. My child is highly sensitive to dust and debree. She suffers with red eyes and uncontrollable sneezing.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
6. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 28, 2017. Before that, I knew nothing about the construction.
7. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
8. As a parent of a student in kinder, my child is going to be right next to the construction with only a see through fence separating her from the construction. The debris will be everywhere. She will be inhaling the dust and chemical and will not be able to even go outside for recess or to see the school garden. the traffic will be ridiculous in a 2 lane street and the construction vehicles will be blocking everything. My child will be unable to concentrate in class not to mention the teacher will not be able to teach my child. it is not a good idea to build a building so big next to a school, especially an elementary school.
9. I declare, under penalty of perjury under the laws of the State of California, and the United States of America, that above statement is true and correct, and that this declaration was executed in the County of Los Angeles, California, on 12/04/17.



Signature of Declarant

DECLARATION OF VIRGINIA GARCIA

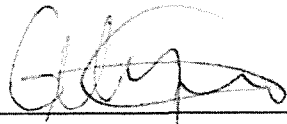
I, Virginia Garcia, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My daughter "M.B.", is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2012. My child is 10 years old and is now in the 5th grade, in Ms. Dunham's class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child in my opinion will be affected by the dust/pollution/noise/distraction of an ongoing construction project that will interfere with her schooling.
5. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
6. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 30, 2017. Before that, I knew nothing about the construction.

1 7. From what I understand, the 3568 Motor Ave construction project will release
2 poisonous gas, dust and other particles into the air around my child's school and
3 playground. I am extremely concerned for the health of all the children and
4 teachers at the school. I oppose the project.

5
6 8. The construction will affect the environment around the school, due to will
7 increase traffic and will be very distracted.

8
9 I declare, under penalty of perjury under the laws of the State of California, and the
10 United States of America, that above statement is true and correct, and that this declaration
11 was executed in the County of Los Angeles, California, on 12 / 04/ 2017.

12 

13 _____
14 Signature of Declarant

DECLARATION OF ZENAIDA GARCIA

I, Zenaida Garcia, declare as follows:

1. I am over 18 years of age. My contact address is c/o: Orange Law Offices, P.C., 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. My son B.R.G is a student at Palms Elementary School, located at 3520 Motor Ave, Los Angeles, CA 90034 ("Palms"). My child began attending school at Palms in the year 2013. My child is 8 years old and is now in the 2 grade, in Ms. Alston class.
3. I am a member of the Palms Elementary Family Association and so is my child.
4. My child becomes very easily distracted as a result of noise. Sharp unexpected noises, as well as ongoing noises, interfere with my child's ability to focus attention.
5. I did not know anything about the construction project at 3568 Motor Avenue until a teacher from school told me after Thanksgiving this year. I believe the date was November 30, 2017. Before that, I knew nothing about the construction.
6. From what I understand, the 3568 Motor Ave construction project will release poisonous gas, dust and other particles into the air around my child's school and playground. I am extremely concerned for the health of all the children and teachers at the school. I oppose the project.
7. The noise and dust will affect my son, I don't want him to get sick with all the dust and he wont be able to learn because of the noise.

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I declare, under penalty of perjury under the laws of the State of California, and the United States of America, that above statement is true and correct, and that this declaration was executed in the County of Los Angeles, California, on 12 /04 / 17

Zenaida

Signature of Declarant



CITY PLANNING
PROJECT PLANNING

APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number _____
Env. Case Number _____
Application Type _____
Case Filed With (Print Name) _____ Date Filed _____

Application includes letter requesting:

☐ Waived hearing ☐ Concurrent hearing ☐ Hearing not be scheduled on a specific date (e.g. vacation hold)
Related Case Number _____

*Provide all information requested. Missing, incomplete or inconsistent information will cause delays.
All terms in this document are applicable to the singular as well as the plural forms of such terms.*

1. PROJECT LOCATION

Street Address¹ 3558-3570 S. Motor Ave / 10313 W. Tabor St Unit/Space Number _____
Legal Description² (Lot, Block, Tract) Lot 13 & 14, Block S, The Palms Tract MR 21 43/45
Assessor Parcel Number 4314-014-002 Total Lot Area 14,997 sq. ft.

2. PROJECT DESCRIPTION

Present Use Commercial
Proposed Use Mixed Use: Commercial & Residential
Project Name (if applicable) 3568 S. Motor Ave
Describe in detail the characteristics, scope and/or operation of the proposed project The new construction, operation and maintenance of a mixed-use building with 42 units, 54 parking stalls and 1,777 SF of commercial space
10% density bonus, 10% affordable set aside (4 units) with one incentive for increased FAR

Additional information attached ☒ YES ☐ NO

Complete and check all that apply:

Existing Site Conditions

- | | |
|---|--|
| <input type="checkbox"/> Site is undeveloped or unimproved (i.e. vacant) | <input type="checkbox"/> Site is located within 500 feet of a freeway or railroad |
| <input checked="" type="checkbox"/> Site has existing buildings (provide copies of building permits) | <input checked="" type="checkbox"/> Site is located within 500 feet of a sensitive use (e.g. school, park) |
| <input type="checkbox"/> Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial) | <input type="checkbox"/> Site has special designation (e.g. National Historic Register, Survey LA) |

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

SUPERSEDED

By document dated: 8/10/17
Authorized by: CT/PAV



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

DIR-2016-4880 - DB

Case Number

Env. Case Number

Application Type

Case Filed With (Print Name)

Date Filed

Application includes letter requesting:

☐ Waived hearing

☐ Concurrent hearing
Related Case Number

☐ Hearing not be scheduled on a specific date (e.g. vacation hold)

*Provide all information requested. Missing, incomplete or inconsistent information will cause delays.
All terms in this document are applicable to the singular as well as the plural forms of such terms.*

1. PROJECT LOCATION

Street Address¹ 3558-3570 S. Motor Ave Unit/Space Number

Legal Description² (Lot, Block, Tract) Lot 13 & 14, Block S, The Palms Tract MR 21 43/45

Assessor Parcel Number 4314-014-002 Total Lot Area 14,997 sq. ft.

2. PROJECT DESCRIPTION

Present Use Commercial

Proposed Use Mixed Use: Commercial & Residential

Project Name (if applicable) 3568 S. Motor Ave

Describe in detail the characteristics, scope and/or operation of the proposed project The new construction, operation and maintenance of a mixed-use building with 49 units, 55 parking stalls and 3,920 sq. ft of open space; 35% density bonus, 11% set aside as affordable (5 units) with two incentives for increased FAR reduced open space.

Additional information attached ☒ YES ☐ NO

Complete and check all that apply:

Existing Site Conditions

☐ Site is undeveloped or unimproved (i.e. vacant)

☒ Site has existing buildings (provide copies of building permits)

☐ Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)

☐ Site is located within 500 feet of a freeway or railroad

☒ Site is located within 500 feet of a sensitive use (e.g. school, park)

☐ Site has special designation (e.g. National Historic Register, Survey LA)

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

PROPERTY OWNER


9. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed if the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- A. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- B. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- C. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- D. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature



Date 12/6/2016

Print Name

HIROAKI KOBAYASHI

Signature

Date

Print Name

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of LOS ANGELES

On DECEMBER 6, 2016 before me, MARY SATO, NOTARY PUBLIC
(Insert Name of Notary Public and Title)

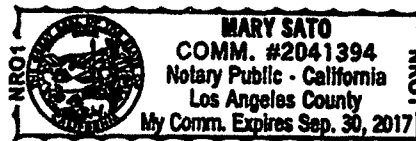
personally appeared HIROTAKE KOBAYASHI who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and
correct.

WITNESS my hand and official seal.

Mary Sato
Signature

(Seal)




APPLICANT

10. APPLICANT DECLARATION. A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- A. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- B. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- C. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required. Additionally, I understand that this application will not be considered complete until the required environmental review is concluded.
- D. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- E. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- F. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- G. I understand that if this application is denied, there is no refund of fees paid.
- H. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
- I. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: 

Date: 12/6/2016

Print Name: Hirozaka KOBAYASHI

RELIANCE LETTER

July 16, 2015

To: Wells Fargo Bank ("Lender")

and

U.S. Small Business Administration ("SBA")

Re: Borrower Name: Arthur Munoz
Project Address ("Property"): 3568 Motor Avenue, Los Angeles, CA 90034
Environmental Investigation Report Number(s): 6359167ESAI

Dear Lender and SBA:

Hyung Kim ("Environmental Professional") meets the definition of an Environmental Professional as defined by 40 C.F.R. § 312.10(b) and has performed the following "Environmental Investigation(s)" (check all that apply):

___ A Transaction Screen of the Property dated _____, 20____, conducted in accordance with ASTM International's most recent standard (currently ASTM E1528-14);

X A Phase I (or an Updated Phase I) Environmental Site Assessment of the Property dated July 16, 2015, conducted in accordance with ASTM International's most recent standard (currently ASTM E1527-13). In addition, the Environmental Professional has addressed the performance of the "additional inquiries" set forth at 40 C.F.R. § 312.22;

___ A Phase II Environmental Site Assessment of the Property dated _____, 20____, conducted in accordance with generally-accepted industry standards of practice and consisting of a scope of work that would be considered reasonable and sufficient to identify the presence, nature and extent of a Release as it impacts the Property.

Reliance by SBA and Lender. Environmental Professional (and Environmental Professional's firm, where applicable) understand(s) that the Property may serve as collateral for an SBA guaranteed loan, a condition for which is an Environmental Investigation of the Property by an Environmental Professional. Environmental Professional (and Environmental Professional's firm, where applicable) authorize(s) Lender and SBA to use and rely upon the Environmental Investigation. Further, Environmental Professional (and Environmental Professional's firm, where applicable) authorize(s) Lender and SBA to release a copy of the Environmental Investigation to the borrower for information purposes only. This letter is not an update or modification to the Environmental Investigation. Environmental Professional (and Environmental Professional's firm, where applicable) makes no representation or warranty, express or implied, that the condition of the Property on the date of this letter is the same or similar to the condition of the Property described in the Environmental Investigation.

Insurance Coverage. Environmental Professional (and/or Environmental Professional's firm, where applicable) certifies that he or she or the firm is covered by errors and omissions liability insurance with a minimum coverage of \$1,000,000 per claim (or occurrence) and that evidence of this insurance is attached. As to the Lender and SBA, Environmental Professional (and

Odic Environmental

Tel 888-ODICENV 888-634-2368
Fax 213-380-0505

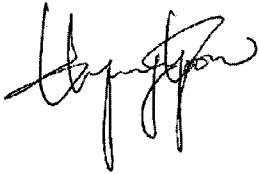
Environmental Consulting & Real Estate Due Diligence
3255 Wilshire Blvd. Suite 1510
Los Angeles, CA 90010

Environmental Professional's firm, where applicable) specifically waive(s) any dollar amount limitations on liability up to \$1,000,000.

Waiver of Right to Indemnification. Environmental Professional and Environmental Professional's firm waive any right to indemnification from the Lender and SBA.

Impartiality. Environmental Professional certifies that (1) to the best of his or her knowledge, Environmental Professional is independent of and not a representative, nor an employee or affiliate of seller, borrower, operating company, or any person in which seller has an ownership interest; and (2) the Environmental Professional has not been unduly influenced by any person with regard to the preparation of the Environmental Investigation or the contents thereof.

Acknowledgment. The undersigned acknowledge(s) and agree(s) that intentionally falsifying or concealing any material fact with regard to the subject matter of this letter or the Environmental Investigations may, in addition to other penalties, result in prosecution under applicable laws including 18 U.S.C. § 1001.



Environmental Professional
Printed Name: Hyung Kim

(Note: The Environmental Professional must always sign this letter above. If the Environmental Professional is employed or retained by an Environmental Firm, then an authorized representative of the firm must also sign below).



Signature of representative of firm who is authorized to sign this letter
Printed Name & Title: Eric Miller, President
Name of Environmental Firm: Odic Environmental
Enclosure: Evidence of Insurance

8.0 RECOMMENDATIONS AND OPINIONS

ODIC performed a Phase I Environmental Site Assessment of the Property in conformance with the scope and limitations of ASTM Standard Practice E1527-13.

The Property consists of a 14,977-square-foot rectangular-shaped parcel improved with a single-story commercial building subdivided into three units totaling 6,768 square feet. Currently, the Property is occupied by a grocery store (Palms Super Market), coin laundry (Palms Laundry Mat), and a party supplies store (Party Supplies).

Based on a review of historical city directories, the Property was formerly occupied by Safeway Stores Incorporated in 1942, Palms Super Market from 1954 to at least 2000, and Palms Laundry and Cleaners from 1958 to at least 1985. However, ODIC was unable to ascertain documented evidence that onsite dry-cleaning operation was practiced by the Palms Laundry.

According to the SCAQMD EMI database, several businesses are listed, as shown below, under the business name of Palms Cleaners, but none of these facilities are located at the Property.

79040	PALMS CLEANERS 18515 BURBANK BLVD , TARZANA, CA 91356
100064	PALMS CLEANERS, BYUNG HEE LEE
140406	PALMS CLEANERS, CHARLES RYU DBA 156 BONITA AVE , SAN DIMAS, CA
141497	PALMS CLEANERS, KWANG H. LEE DBA 25910 IRIS AVE , MORENO VALLEY

Mr. Arthur Munoz, business and Property owner, was interviewed during site reconnaissance. Mr. Munoz indicated that he has been associated with the Property since approximately 2006 when he purchased the market at the Property. He subsequently acquired the laundry mat in 2010 and the party supply business in 2014. To his best knowledge, no underground storage tanks or significant amounts of hazardous materials have ever been used on the site.

Mr. Munoz stated that longtime customers and residents in the area remember the Property as a market and laundry, and no drycleaners actually occupied the Property. He believes that a drop-off drycleaning service may have been offered by the laundry.

To the best of his knowledge, and according to business customers and residents, the site has always been used as a market and laundry, and no drycleaners used to be located within the premises.

ODIC reviewed all available records at the City of Los Angeles building department and Fire Department Hazmat Unit as well as UST Division; however, no records were found indicating any historical drycleaner business at the Property.

Reviewed historical building permits did not have any business permits or records as an actual PCE-using dry-cleaning plant facility, or plumbing/electric permits (boiler, distillation, condenser, etc.) which would be typically associated for a commercial drycleaners. Any drycleaners using PCE solvent is typically listed and identified as RCRA hazardous waste (HAZNET database) generator (PCE is federal F-coded hazardous waste) and SCAQMD FINDS (all drycleaners are required to be permitted by SCAQMD particularly after 1980). Since the Property address is not listed in any of these databases, it is highly likely that the Palms Laundry and Cleaners was a drop-off agency at least since 1980.

Since drycleaners using PCE-based solvent generate waste PCE as hazardous wastes, they are listed as RCRA waste generators, and should also be identified under the SCAQMD database. Again, the Property is not listed in any environmental database provided by EDR as Haznet, RCRA Generator, or SCAQMD FINDS EMI. It should be however noted that Palms Laundry and Cleaners occupied the Property since at least 1958. Since this is during a period of little or no regulatory oversight, permitting or



compliance, there is still an unresolved concern about possible dry-cleaning operation conducted by Palms Laundry and Cleaners. This is identified as a potential environmental concern and significant data gap which affects our ability to determine RECs in connection with the Property.

ODIC is still in the process of conducting additional inquiry to obtain more information about the historical listing of Palms Laundry and Cleaners, by interviewing longtime residents in the vicinity of the Property. As stated in Section 5.2 of this Report, a response from public agencies such as County of Los Angeles Fire Department and Sanitation District is pending as of this date, which is identified as a data gap.

In the event that additional information is later found or identified to confirm actual PCE-solvent use related to the former Palms Laundry and Cleaners, such information should be reviewed for re-evaluation of the environmental risk for the Property. If Client/User of this Report desires an additional level of comfort in ascertaining the absence or presence of contamination with PCE and chlorinated organic solvent in the subsurface beneath the Property, subsurface investigation can be conducted in the areas of concern.

It should be noted that, effective on October 1, 2010, US SBA started requiring mandatory Phase II Environmental Site Assessment for onsite dry cleaners that may have been operated for more than five years.

Source: https://www.sba.gov/sites/default/files/sops/serv_sops_50105c_loan_0.pdf

Even though it is highly likely and reasonable that the former listing of Palms Laundry and Cleaners may have been a drop-off agency cleaners at least since early 1980s when the AQMD required permitting of drycleaners, Palms Laundry and Cleaners is known to have occupied the Property since at least 1958 which is before the period of regulatory compliance and permitting required by Clean Air Act in 1970, or 1991 when the Air Resources Board identified Perchloroethylene (Perc) as a toxic air contaminant (TAC) under California's Toxic Air Contaminant Identification and Control Program (Health and Safety Code section 39650 et. seq.) or SCAQMD Rule 1421 Control of Perchloroethylene Emissions from Dry Cleaning System.

Due to the data gap identified in this Phase I ESA, as to the former listing of Palms Laundry and Cleaners which is identified to have occupied the Property since 1958, Phase II Environmental Site Assessment is considered a prudent lending practice to comply with SBA SOP 50-10 which became effective since 2010.

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December 4, 2017.

Stephen David Simon
Executive Director
Department on Disability
City of Los Angeles
201 N Figueroa St., Ste 100
Los Angeles, CA 90012-2694
Tel: (213) 202-2764
Fax: (213) 202-2715
stephen.simon@lacity.org

BY FAX & EMAIL ONLY

Dear Mr. Simon:

We write on behalf of several disabled children attending pre-Kindergarten through fifth grade classes at Palms Elementary school (“Palms”) in the City of Los Angeles (“the City”). We request that the City cease its ongoing discrimination against disabled persons in the administration and operation of its planning and development programs. This request will be followed by legal action if the City does not take immediate steps to remedy the problem, protect the children at Palms, and implement policies protective of all similarly situated persons.

Online, your Department on Disability (“DoD”) states that it is committed to “*ensuring full access to employment, programs, facilities and services; through strategic management and partnership education, advocacy, training, research and improved service delivery; for the benefit of persons with disabilities, providers of essential resources and policymakers.*” Thus, addressing this request to you as its Director is appropriate.

Currently, the City’s Department of City Planning (“Planning Dept.”) does not consider the special needs of disabled persons in its California Environmental Quality Act (“CEQA”) analyses during its project approval process. At the earliest phases of

community and environmental impact screening – the exemption phase,¹ developers are given the green light to move ahead with demolition, excavation and construction projects that the Planning Dept. labels as “exempt” for not crossing *predetermined templates* of environmental “thresholds of significance.” Exemptions granted based upon these predetermined thresholds purportedly mean that a project will have no significant impact on the environment, including the people, surrounding the project. In the case of persons with special needs, this is simply untrue.

The predetermined thresholds used to exempt the projects *do not* include any consideration of persons with special needs. Instead, the thresholds *are* set based upon consideration of what is acceptable to persons under “normally acceptable” circumstances.² The Planning Dept.’s use of this process to exempt and approve projects is discriminatory and it is harmful to disabled Angelenos.

Title II of the Americans with Disabilities Act (“ADA”), in particular, prohibits discrimination against individuals with disabilities in the provision of services, programs, or activities by public entities. 42 U.S.C. § 12132. Section 504, in turn, requires that “[n]o otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794(a). The Ninth Circuit has held that “there is no significant difference in the analysis of rights and obligations created by” the ADA and Section 504. *Vinson v. Thomas*, 288 F.3d 1145, 1152 n.7 (9th Cir. 2002).

In this case, the children with special needs attending Palms Elementary School are qualified individuals with disabilities. They are also being discriminated against and denied the benefits of the City’s services (CEQA analyses by the Planning Dept. are *supposed* to protect the environment and persons in it). Moreover, they are being excluded from consideration in the provided services because of their disability.³

A reasonable accommodation would be to simply include disability assessment factors as part of the templates. The textbook ADA/Section 504 violation is completed by the fact that the City receives federal funds.

¹ CEQA Flowchart available here:

https://upload.wikimedia.org/wikipedia/commons/e/ec/CEQA_Process_Flow_Chart.gif

² Thresholds available here:

<http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf>

³ The ADA applies with equal force to facially neutral policies that discriminate against individuals with disabilities. See *McGary v. City of Portland*, 386 F.3d 1259, 1265 (9th Cir. 2004) (explaining that the Ninth Circuit has “repeatedly recognized that facially neutral policies may violate the ADA when such policies unduly burden disabled persons, even when such policies are consistently enforced.”).

Federal courts have made clear that public agencies must take affirmative steps to act in consideration of persons with disabilities, regardless of having facially neutral policies. Specifically, in granting summary judgment against the City for failing to provide for disabled Angelenos in its emergency management planning, the Court in *Communities Actively Living Independent and Free, et al v. City of Los Angeles*, USDC-CACD Case No. CV09-0287 CBM (2009), stated:

“The City's response that its lack of affirmative action with respect to individuals with disabilities somehow absolves the City of liability is not only unavailing but also contrary to clearly-established precedent. See *McGary*, 386 F.3d at 1266 (explaining that the ADA ‘guard[s] against the facade of ‘equal treatment’ when particular accommodations are necessary to level the playing field.’). Because individuals with disabilities require special needs, the City disproportionately burdens them through its facially neutral practice of administering its program in a manner that fails to address such needs.” (Docket No. 140, at 25:17-25).

The Court went further to state, “the Court finds that Plaintiffs are denied the benefits of the City's emergency preparedness program because the City's practice of failing to address the needs of individuals with disabilities discriminates against such individuals by denying them meaningful access to the City's emergency preparedness program.” (Docket No. 140, at 26:17-21).⁴

Moreover, as to CEQA, California courts have stated that agencies cannot rely on thresholds of significance to absolve themselves of the responsibility to engage in proper analyses. In *Mejia v. City of Los Angeles*, 130 Cal. App. 4th 322, 342 (2005), the City relied upon a predetermined threshold to declare that a project did not have a significant environmental impact. In disagreeing, the court concluded that “[a] public agency cannot apply a threshold of significance or regulatory standard ‘in a way that forecloses the consideration of any other substantial evidence showing there may be a significant effect.’”

Together, the state and federal courts’ decisions mean that the City’s Planning Dept. must consider persons with special needs, and their needs and circumstances, in its processes and activities – including those regarding environmental impact permitting. The harm

⁴ If qualified individuals are denied “meaningful access” to a benefit because of their disability, the public entity must provide reasonable modifications. *Mark H. Lemahieu*, 513 F.3d 922, 937 (9th Cir. 2008). The accompanying regulation provides that a “[b]enefit includes provision of services, financial aid or disposition (i.e. treatment, handling, decision, sentencing confinement, or other prescription of conduct).” 28 C.F.R. § 42.540(j).

created by not doing so is exemplified by the plight of the children at Palms Elementary School.

At Palms, there are 32 Pre-K deaf and hard of hearing (“DHH”) children, 59 kindergarten children, and a number of children in other grades (through 5th) with disabilities that are highly sensitive to noise. Immediately adjacent (literally, on the fence line of the playground) the City has green-lit demolition, excavation and construction of a huge apartment building. The City did no impact study because it used the predetermined template of thresholds of significance which has no consideration of persons with disabilities. Additionally, the parents and teachers got no notice of the project.

The Planning Dept.’s online files indicate that the project will emit construction noise as well as poisons containing PM2.5 and PM10 particulate matter, nitrogen oxide gases, reactive organic gases, ‘fugitive dust,’ and other toxic substances.⁵ Showering the children with these toxins for the *estimated* two-year period of the project is unfathomable. Worse yet, is the impact that the noise and toxins will have upon the DHH children.

Many of the special needs teachers have completed sworn declarations about the hardship their disabled students face in light of the City’s failure to include them. An example, the declaration of Brittany Dorn, is attached to this letter.⁶ The deaf and hard of hearing teachers relate that elementary school years are the point in the students’ lives wherein they are gaining the bedrock understandings of how to socialize with and understand each other, as well as children without hearing challenges, and that preventing that process from happening would have far-reaching consequences for the rest of their lives.

The construction noise would be highly distracting, and in some cases painful. Many of the DHH students wear sound amplifying listening devices which make all sounds louder. In their classrooms, even air conditioners must meet certain dampened sound requirements. As an accommodation for all the students in DHH classrooms at Palms, there are carpets on the classroom floors, fabric on the walls, and drop ceilings to minimize sound reverberation. Ongoing construction noise would make it difficult, and in many cases impossible, for students to distinguish between voices and other sources of information – as opposed to noise and other sounds which should be disregarded. So-called “new listeners” – students who have just activated cochlear implants – would experience pain and listening fatigue, but not even know how to express what is happening to them – or why.

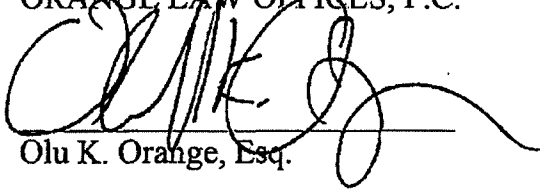
⁵ September 1, 2017, “Directors Determination,” Case No. DIR-2016-4880-DB

⁶ Others are available upon request.

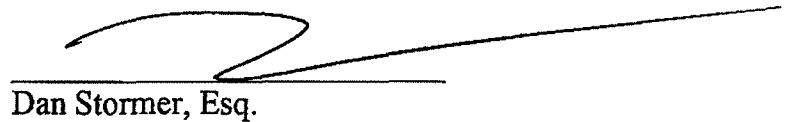
We, the undersigned counsel, write to request that the City do the right thing by these children and other disabled persons. Over the past few years, our offices collaborated with the City to resolve *Rodriguez v. City of Los Angeles* gang injunction class action case. In so doing, we found in the City willing partners with which we created a \$30 million dollar program for Angelenos which not only restores their civil rights, but makes their lives better for the long term.

Similar action by the City is needed to protect the children at Palms Elementary School, and all other similarly situated Angelenos with disabilities. Should the City take action with which our firms can collaborate, we are open to working together. However, if something is not done by the City immediately to protect the children at Palms Elementary School – we will pursue all available legal and equitable options to protect them ourselves.

Kindest regards,
ORANGE LAW OFFICES, P.C.


Olu K. Orange, Esq.

HADSELL STORMER & RENICK LLP


Dan Stormer, Esq.

:: attachment ::

DECLARATION OF BRITTANY DORN

I, BRITTANY DORN, declare as follows:

1. I am over 18 years of age. My business address is 3520 Motor Ave, Los Angeles, CA 90034. If called and sworn as a witness, I could and would competently testify to the following based on personal knowledge:
2. I am employed as an elementary school teacher for the Los Angeles Unified School District at Palms Elementary School ("Palms"). I began teaching at Palms on July 8, 2015.
3. I attended college at Concordia University majoring in Liberal Arts and earned a Bachelor of Arts degree in the year 2012. I have earned a Master of Science degree in the field of Education of the Deaf from California Lutheran University in the year 2016. Additionally, I possess the following professional certification: Education Specialist Instruction Credential - Deaf and Hard of Hearing Authorization and English Learner Authorization, 2015.
4. Palms students are in pre-kindergarten through fifth grade classes. Our school day begins at 8:10 A.M. and ends at 2:33 P.M.
5. I currently teach children who are deaf and hard of hearing in grades four and five. The children in my class are boys and girls ages nine through eleven. All eight of my students have disabilities. Listed by number, the following students have the following disabilities and require the following curricular and environmental accommodations to learn and participate effectively in class:

1 a) STUDENT #1: STUDENT #1 is ten years old and is hard of hearing. STUDENT
2 #1's disability was confirmed in January 2011. According to her audiological report
3 dated 11/13/17, she has a bilateral moderate to profound precipitously sloping
4 sensorineural hearing loss. STUDENT #1 wears sound amplifying listening devices
5 in order to effectively access the curriculum, socialize with other students and
6 experience the world around her. She wears a cochlear implant on her left ear and a
7 hearing aid on her right ear. Based upon my experience and observations of
8 STUDENT #1, the ongoing noise and distraction of a construction project just
9 outside our classroom windows would severely disrupt, if not totally compromise,
10 her social and educational development for the duration of the construction project.
11 Sound amplification devices are only effective in educational environments wherein
12 noise can be controlled. For example, ongoing noise sources such as air conditioners
13 must meet certain dampened sound requirements. We have carpets on the classroom
14 floor, fabric on the walls, and a drop ceiling to minimize sound reverberation. Any
15 acoustic interruptions are amplified and make it impossible for students who are new
16 to sounds to discern which sounds are voices and sources of information which need
17 to be interpreted, as opposed to sounds which should be filtered out as noise.
18 STUDENT #1 is considered a "new listener," because she just got her cochlear
19 implant activated in October 2017. Therefore, her brain is still getting used to
20 processing sounds electronically rather than acoustically and a filter has not yet been
21 developed. By the end of the day STUDENT #1 suffers from listening fatigue.
22 School is much more difficult for her because she has to work to hear every sound. It
23 really wears her out by the end of the day. With additional background noise due to
24 construction, she will tire much sooner and access to her education will be
25 compromised. Moreover, amplification of sharp unexpected sounds can be painful
26 because there is no chance to adjust volume, and ongoing repetitive sounds can be
27 annoying and cause headaches. She often takes off her implant complaining that it is
28 too loud, even in our noise-controlled classroom environment. Without her processor

1 connected to her implant, she is completely deaf on the left. STUDENT #1 does not
2 use sign language and relies on her listening and spoken language to communicate.
3 She cannot learn if she is not wearing her equipment. In addition, STUDENT #1 is
4 highly distractible and has trouble focusing in class. Noise from the construction
5 project would make it very difficult for her to focus on her teacher, peers, and her
6 work in class and deprive STUDENT #1 of an adequate learning environment.

7 b) STUDENT #2: STUDENT #2 is ten years old and is hard of hearing. STUDENT
8 #2's disability was confirmed shortly after failing the Newborn Hearing Screening.
9 According to his audiological report dated 3/9/17, he has a bilateral moderate
10 sensorineural hearing loss. STUDENT #2 wears sound amplifying listening devices
11 in order to effectively access the curriculum, socialize with other students and
12 experience the world around him. He wears bilateral hearing aids. Based upon my
13 experience and observations of STUDENT #2, the ongoing noise and distraction of a
14 construction project just outside our classroom windows would severely disrupt, if
15 not totally compromise, his social and educational development for the duration of
16 the construction project. He faces the same challenges as the previous student due to
17 his hearing impairment regarding noise. In addition, I have observed that STUDENT
18 #2 is extra sensitive to noise, often taking off his hearing aids when his mainstream
19 class is noisy and always during recess. He reports that at times he does not wear his
20 hearing aids at home because the traffic noise outside his apartment is so
21 bothersome. STUDENT #2 also has environmental allergies that will be severely
22 impacted by the construction pollution that will enter our yard and classroom. He
23 takes medication for his allergies daily.

24 c) STUDENT #3: STUDENT #3 is nine years old and is hard of hearing. STUDENT
25 #3's disability was confirmed shortly after failing the Newborn Hearing Screening.
26 According to her audiological report dated 3/2/17, she has a moderate sloping to
27 profound mixed hearing loss in the right ear and a mild sloping to severe hearing loss
28 in the left ear. STUDENT #3 wears sound amplifying listening devices in order to

1 effectively access the curriculum, socialize with other students and experience the
2 world around her. She wears bilateral hearing aids. Based upon my experience and
3 observations of STUDENT #3, the ongoing noise and distraction of a construction
4 project just outside our classroom windows would severely disrupt, if not totally
5 compromise, her social and educational development for the duration of the
6 construction project. She faces the same challenges as students STUDENT #1 and
7 STUDENT #2 due to her hearing impairment regarding noise. In addition,
8 STUDENT #3 is highly distractible and has trouble focusing in class. The noise from
9 the construction will make it very difficult for her to focus on her teacher, peers, and
10 her work in class.

11 d) STUDENT #4: STUDENT #4 is nine years old and is hard of hearing. STUDENT
12 #4's disability was confirmed shortly after failing the Newborn Hearing Screening.
13 According to his audiological report dated 3/12/17, he has a bilateral mild to
14 moderate sensorineural hearing loss. STUDENT #4 wears sound amplifying
15 listening devices in order to effectively access the curriculum, socialize with other
16 students and experience the world around him. He wears bilateral hearing aids.
17 Based upon my experience and observations of STUDENT #4, the ongoing noise
18 and distraction of a construction project just outside our classroom windows would
19 severely disrupt, if not totally compromise, his social and educational development
20 for the duration of the construction project. He faces the same challenges as
21 STUDENT #1, STUDENT #2 and STUDENT #3 due to his hearing impairment
22 regarding noise. In addition, STUDENT #4 is highly distractible and has trouble
23 focusing in class. The noise from the construction will make it very difficult for him
24 to focus on his teacher, peers, and his work in class.

25 e) STUDENT #5: STUDENT #5 is ten years old and is hard of hearing. STUDENT
26 #5's disability was confirmed shortly after failing the Newborn Hearing Screening.
27 According to his audiological report dated 11/6/17 he has a moderately-severe to
28 moderate conductive hearing loss secondary to atresia. He wears a sound amplifying

1 listening device in order to effectively access the curriculum, socialize with other
2 students and experience the world around him. He wears a Bone Anchored Hearing
3 Aid. Based upon my experience and observations of STUDENT #5, the ongoing
4 noise and distraction of a construction project just outside our classroom windows
5 would severely disrupt, if not totally compromise, his social and educational
6 development for the duration of the construction project. He faces the same
7 challenges as students STUDENT #1, STUDENT #2, STUDENT #3 and STUDENT
8 #4 due to his hearing impairment regarding noise. STUDENT #5 attends a general
9 education classroom that is approximately 8 yards from the construction site for 95%
10 of his instructional day. For 75% of his day, STUDENT #2. attends the same general
11 education class as STUDENT #5.

12 f) STUDENT #6: STUDENT #6 is eleven years old and is hard of hearing. STUDENT
13 #6's disability was confirmed shortly after failing the Newborn Hearing Screening.
14 According to his audiological report dated 9/13/17 he has a moderate to severe
15 conductive hearing loss secondary to atresia. He wears a sound amplifying listening
16 device in order to effectively access the curriculum, socialize with other students and
17 experience the world around him. He wears a Bone Anchored Hearing Aid. Based
18 upon my experience and observations of STUDENT #6, the ongoing noise and
19 distraction of a construction project just outside our classroom windows would
20 severely disrupt, if not totally compromise, his social and educational development
21 for the duration of the construction project. He faces the same challenges as the
22 students in items (a) through (e) above due to his hearing impairment regarding
23 noise.

24 g) STUDENT #7: STUDENT #7 is ten years old and is hard of hearing. STUDENT
25 #7's disability was confirmed prior to 24 months of age. According to her
26 audiological report dated 4/3/17, she has a moderate to severe sensorineural hearing
27 loss in the left ear and is deaf in her right ear. STUDENT #7 wears a sound
28 amplifying listening device in order to effectively access the curriculum, socialize

1 with other students and experience the world around her. She wears a hearing aid on
2 her left ear. Based upon my experience and observations of STUDENT #7, the
3 ongoing noise and distraction of a construction project just outside our classroom
4 windows would severely disrupt, if not totally compromise, her social and
5 educational development for the duration of the construction project. She faces the
6 same challenges as the students in items (a) through (f) due to her hearing
7 impairment regarding noise.

8 h) STUDENT #8: STUDENT #8 is nine years old and is hard of hearing. STUDENT
9 #8's disability was confirmed shortly after failing the Newborn Hearing Screening.
10 According to her audiological report dated 2/6/17, she has a bilateral moderate
11 sensorineural hearing loss. STUDENT #8 wears sound amplifying listening devices
12 in order to effectively access the curriculum, socialize with other students and
13 experience the world around her. She wears bilateral hearing aids. Based upon my
14 experience and observations of STUDENT #8, the ongoing noise and distraction of a
15 construction project just outside our classroom windows would severely disrupt, if
16 not totally compromise, her social and educational development for the duration of
17 the construction project. She faces the same challenges as the students in items (a)
18 through (g) due to her hearing impairment regarding noise. STUDENT #8 attends a
19 general education classroom that is on our premises approximately 12 yards from the
20 construction site for 60% of her instructional day.

21
22 6. The Deaf and Hard of Hearing program has been at Palms for more than 30 years.
23 This year, the program has tripled in size, indicating that it is a strong program that
24 families want to send their children to. We currently have 33 students at Palms with
25 hearing impairment and are getting new preschoolers every month as those in the
26 LAUSD parent-infant program turn three years old. These 33 students are extra
27 sensitive to noise because they all wear sound amplification devices. Some of these
28 devices increase sound output by up to 50 dB at certain frequencies. For some of our

1 students it is painful to hear traffic (~80dB), industrial noise (~100dB), and heavy
2 machinery (~120dB). For some who have less gain on their hearing aids, it may not
3 be painful, but it will be distracting to try to learn with such an increased signal to
4 noise ratio.

5
6 7. The students in my class are placed there because they have gaps in their academic
7 achievement because of their language delays. In some cases this is due to late
8 identification of hearing loss and therefore late amplification. In some cases it is
9 because they are not hearing all the sounds the English language uses. In other cases
10 it is because they have missed a lot of school due to surgeries (for cochlear
11 implantation, BAHA implantation, ear reconstruction, and/or additional surgeries
12 due to related syndromes such as cleft palette repair), recovery from these surgeries,
13 and many audiological appointments. My students are behind academically because
14 of factors that are out of their control. I try to maximize their learning for every
15 minute they are in school.

16
17 8. The demolition and construction of the building next to Palms Elementary will
18 greatly affect my students. The noise of the construction will impede their learning to
19 a devastating degree. My students do not use American Sign Language. They rely on
20 their impaired listening skills to access information and communicate. Their hearing
21 aids, BAHAs, and cochlear implants amplify all sounds that come into their
22 processors, not just speech. With the noise coming from construction, they will not
23 be able to hear me and, more importantly, will not be able to hear their peers. This
24 will stifle their ability to engage in and receive communication and expression.
25 Moreover, this will affect their learning as well as safety on the yard and their social
26 development.

1 9. All eight of my students have Individual Education Programs with accommodations
2 they are legally entitled to. Each has an accommodation for "reduced noise" in their
3 learning environment. We teach their peers to not tap their pencils, to sit still in their
4 squeaky chairs, and to only speak one at a time. We keep the door and windows
5 closed and the air conditioner off for as long as we can stand it. The teachers wear
6 microphones during instructional time and sharpen pencils after school when
7 students are not around to be bothered by the noise. If there is construction noise
8 next door to our school, I will not be able to provide the accommodation of reduced
9 noise that my students need to succeed.

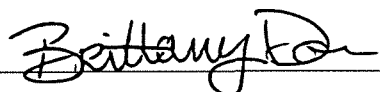
10
11 10. My classroom is less than 30 yards from the 3568 Motor Ave construction site. My
12 students also attend general education classes that are as close as half of that distance
13 from the site. Students from my class, as well as other classes, have their recess/play
14 times on the open-air playground which is within a few yards of that construction
15 site. In my observation, the children run, play and inhale rapidly and heavily when
16 on the playground.

17
18 11. I In addition, increased traffic during construction and after because of additional
19 tenants will make it less safe for our children to be dropped off and picked up in the
20 morning. Seven of my eight students ride a bus to school every day. As responsible
21 fourth and fifth graders, they are not required to hold an adult's hand when they step
22 off the bus and walk down the sidewalk to the school gate. With more traffic,
23 chances of accidents increase. An adult is nearby, but may not be close enough to
24 alert a student if there is danger because they often do not wear their amplification
25 until they get into the classroom. My other student, who is dropped off by family,
26 will face the same dangers as he steps out of his parents' car.

1 12. From what I have read, I understand that the 3568 Motor Ave construction project
2 will release emissions into the air containing PM2.5 and PM10 particulate matter,
3 nitrogen oxide gases, reactive organic gases, 'fugitive dust,' and other toxic
4 substances. I am extremely concerned for my students' health, as well as my own. I
5 grew up in a family employed by the construction industry. I know that construction
6 workers take precautions against these dangers, such as masks and eye protection.
7 Our children will not have these precautions and will be exposed to the dangerous
8 pollution every day.

9
10 13. I did not know about this project until a colleague informed me as I was walking out
11 of school the day before our Thanksgiving break 11/17/17. Most of the families of
12 our students do not know about this construction and will be upset when they find
13 out how it will impact their children's education and health.

14
15 I declare, under penalty of perjury under the laws of the State of California, and the
16 United States of America, that above statement is true and correct, and that this declaration
17 was executed in the County of Los Angeles, California, on December 3rd, 2017.

18
19 

20 Signature of Declarant
21
22
23
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27
28





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MOTOR APARTMENTS

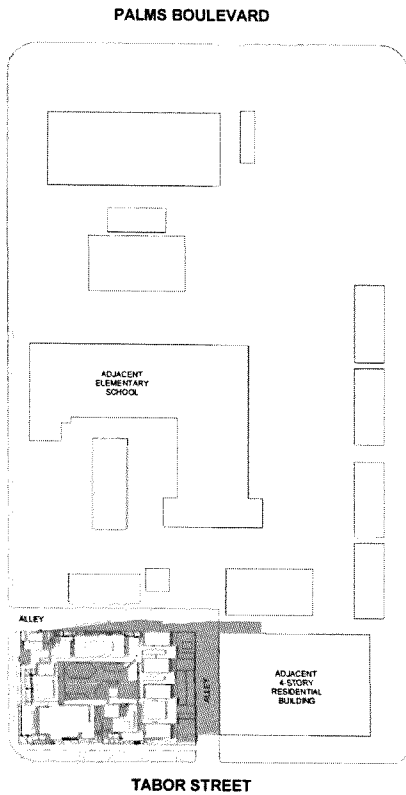
3568 MOTOR AVENUE
 LOS ANGELES, CA 90034

DATE 05-01-2017
SCALE 1" = 50'-0"
SHEET NO. A094

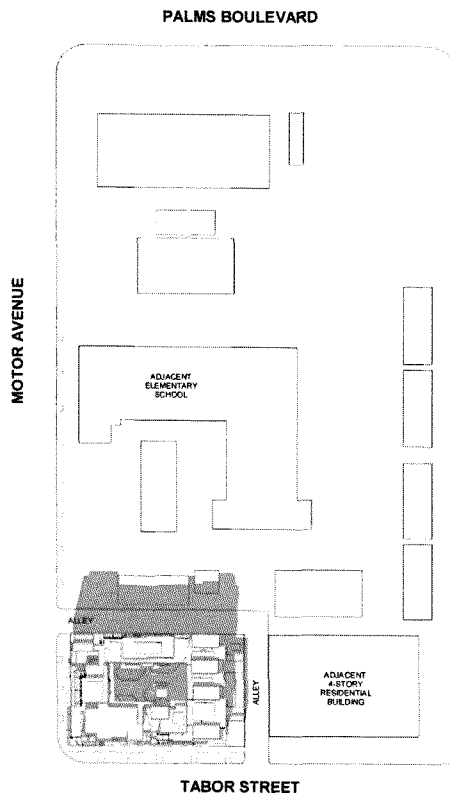
THE ARCHITECTURAL
 1525 0th Street Suite 101
 Los Angeles, CA 90012
 Tel: 310.451.7916
 Fax: 310.451.7916
 www.deaarchitect.com

NOT FOR CONSTRUCTION
 SHOWN BY THE ARCHITECT

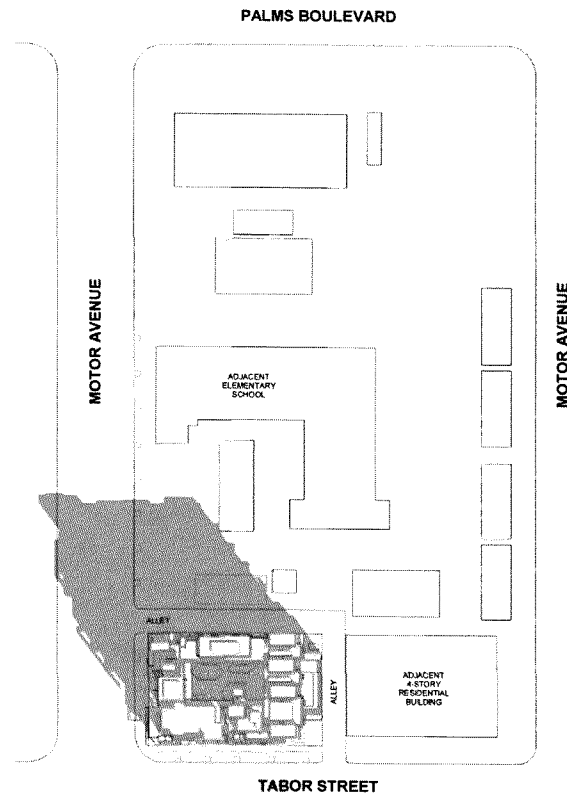
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SHEET NO. A094



3 FALL EQUINOX @ 3 PM
1" = 50'-0"



2 FALL EQUINOX @ 12 PM
1" = 50'-0"



1 FALL EQUINOX @ 9 AM
1" = 50'-0"



DEA

DE Architects AIA

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www.DEArchitects.net

STAMP

NOT FOR CONSTRUCTION UNTIL
SIGNED BY THE ARCHITECT

MOTOR APARTMENTS

3568 MOTOR AVENUE
LOS ANGELES, CA 90034

SHEET TITLE

SUN STUDY -
FALL EQUINOX

DATE: 05/01/2017

SCALE: 1" = 50'-0"

JOB NO: 1607

DATE: 05-01-2017

SCALE: 1" = 50'-0"

SHEET NO: A095

THE ARCHITECT HAS SPECIFICATED AND

DESIGNED THE PROJECT OF THE ARCHITECT

AND THE PROJECT SHALL BE COMPLETED

WITHIN THE TIME FRAME OF THE PROJECT

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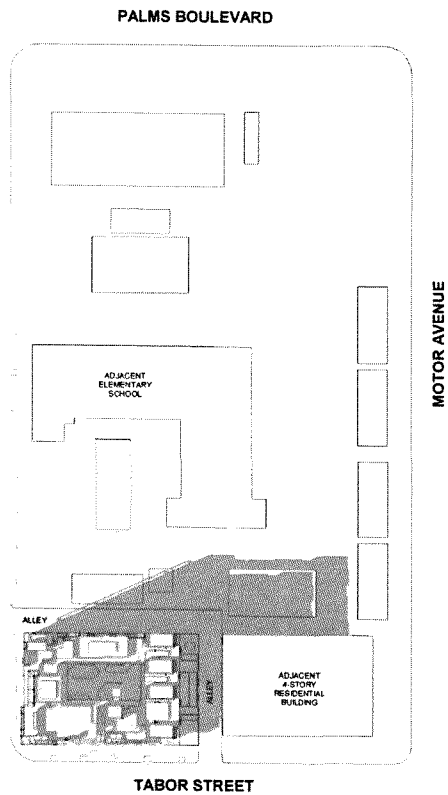
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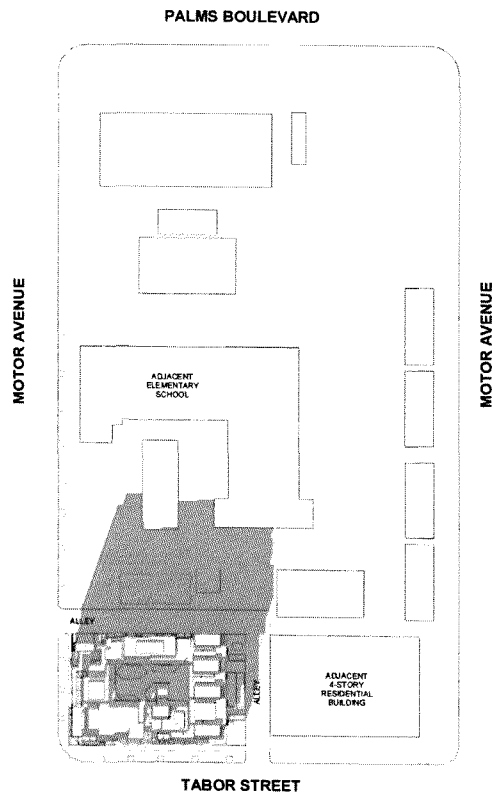
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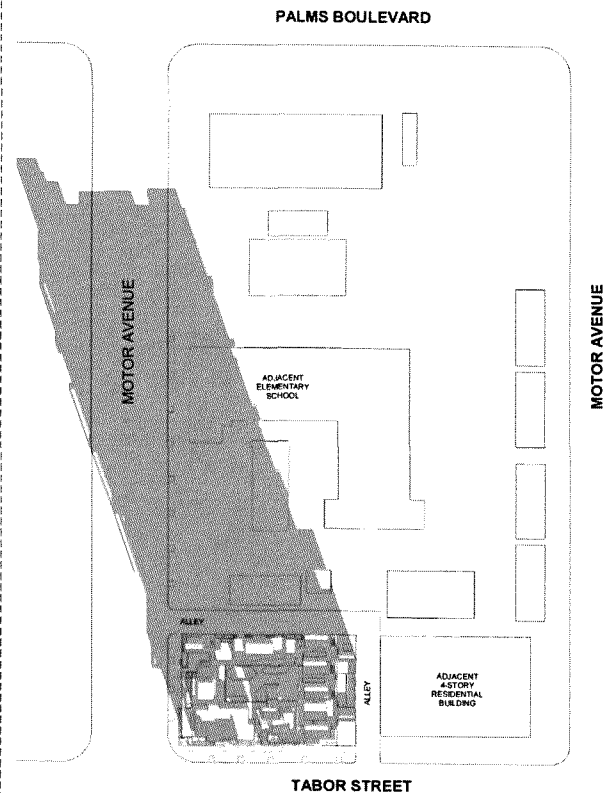
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1" = 50'-0"



2 WINTER SOLTICE @ 12 PM
1" = 50'-0"



1 WINTER SOLTICE @ 9 AM
1" = 50'-0"

DEA

DE Architects AIA
1535 9th Street Suite 101
Santa Monica, CA 90401
tel: 310.451.7917
fax: 310.451.7916
www.DEArchitects.net

STAMP

NOT FOR CONSTRUCTION UNLESS
SIGNED BY THE ARCHITECT

MOTOR APARTMENTS

3568 MOTOR AVENUE
LOS ANGELES, CA 90034

SHEET TITLE

SUN STUDY -
WINTER SOLTICE

DATE ISSUED / REVISION

05-01-2017

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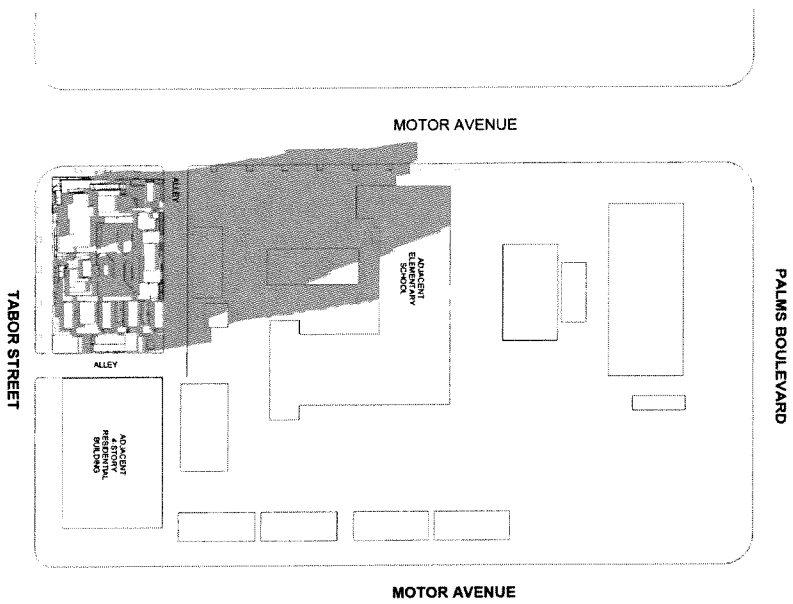
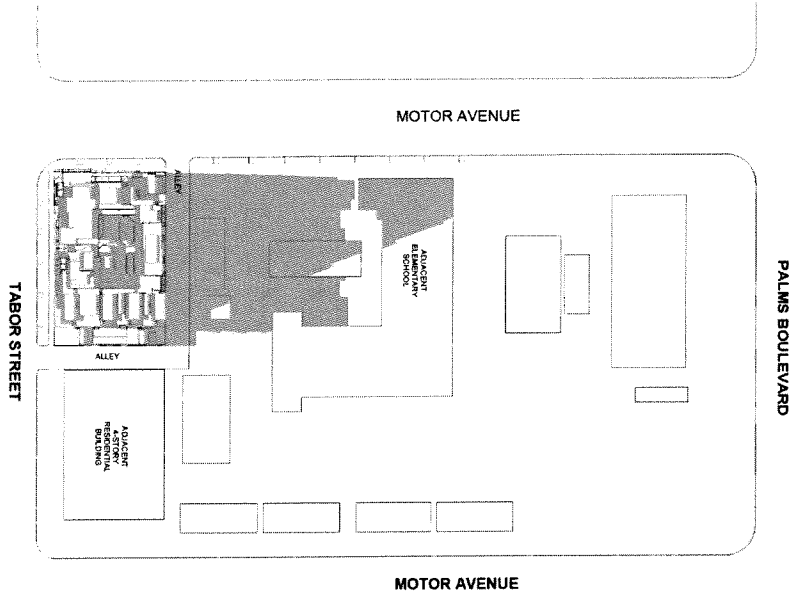
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JOB NO.	1607
DATE	05-01-2017
SCALE	1" = 50'-0"
SHEET NO.	A097

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION
DENSITY BONUS & AFFORDABLE HOUSING INCENTIVES**

September 1, 2017

Applicant/Owner

Hiro Kobayashi
3568 Motor LLC
800 South Figueroa Street,
Suite 960
Los Angeles, CA 90017

Representative

Dana Sayles
ThreeSixty
4309 Overland Avenue
Culver City, CA 90230

Case No. DIR-2016-4880-DB

CEQA: ENV-2016-4881-CE

Location: 3558-3570 South Motor Avenue,
10313 West Tabor Street

Council District: 5 – Koretz

Neighborhood Council: Palms

Community Plan Area: Palms – Mar Vista – Del Rey

Land Use Designation: General Commercial

Zone: C2-1

Legal Description: Block: S, Tract: THE PALMS,
Lot: 13

Last Day to File an Appeal: September 18, 2017

DETERMINATION – Density Bonus/Affordable Housing Incentives Program

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.22 A.25, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve the following incentive requested by the applicant for a project totaling 42 dwelling units. The project will reserve 10 percent, or 4 dwelling units, of the 38 total base dwelling units permitted on the site for Very Low Income household occupancy for a period of 55 years. The Density Bonus includes the following requested incentive:

1. **Floor Area Ratio.** A 32.5 percent increase in the allowable Floor Area Ratio allowing a total floor area ratio of 1.98:1 in lieu of the normal maximum of 1.5:1.

Determined, based on the whole of the administrative record the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Article 19, Sections 15304 and 15332, and City CEQA Guidelines Article III, Section 1, Class 4 Category 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Adopt the attached Findings.

CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, West/Coastal/South Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 42 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 4 units, that is 10 percent of the base 38 dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2). No additional affordable units are required per Assembly Bill (AB) 2222 as replacement units as HCIDLA has determined there are currently no affordable units on-site.
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 4 units available to Very Low Income Households, for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Floor Area.** The project shall be limited to 29,807 square feet of floor area, as shown in Exhibit "A".
7. **Automobile Parking.** Based upon the number and/or type of dwelling units proposed 42 parking spaces shall be provided for the project. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms; two on-site parking spaces for each residential unit with two to three bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. The Bicycle Parking Ordinance, LAMC Section 12.21.A.4, allows affordable residential projects to reduce required vehicle parking by 10 percent. Based upon the number and type of dwelling units proposed and the 10 percent reduction per the Bicycle Ordinance, 38 residential parking spaces shall be provided. The project shall provide 42 residential parking spaces as provided in Exhibit A. For the commercial uses, the project shall provide 7 commercial parking spaces, at a ratio of one space for every 250 square feet of commercial square footage.
8. **Automobile Parking for Commercial Uses.** As required by LAMC Section 12.21 A.4(c), the project shall provide a minimum of 7 automobile parking spaces for the 1,770 square feet of commercial uses, at a ratio of one space for every 250 square feet of commercial square footage. The project shall provide 12 commercial parking spaces as provided in Exhibit A.
9. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the

number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Short-term and long-term bicycle parking for general retail stores requires one bicycle parking space per 2,000 square feet, with a minimum of two bicycle parking spaces for both long- and short-term bicycle parking. Based upon the number of dwelling units, 42 long-term and 5 short-term bicycle parking spaces shall be provided on-site for residential uses. In addition, 2 long-term and 2 short-term bicycle parking spaces shall be provided for commercial uses. Both long-term and short-term bicycle parking must be located consistent with LAMC Section 12.21 A.16.

Administrative Conditions

11. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
12. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
13. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
14. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
15. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
16. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County

Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

17. Indemnification and Reimbursement of Litigation Costs.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

PROJECT BACKGROUND

The site is located in the Palms – Mar Vista – Del Rey Community Plan area at the northeastern corner of Motor Avenue and Tabor Street, and consists of two lots that measure approximately 14,997 square feet in lot area. The subject site is zoned C2-1, with a General Plan land use designation of General Commercial. The C2-1 zone permits a 1.5:1 Floor Area Ratio ("FAR") and unlimited height. The subject property is within the West Los Angeles Transportation Improvement and Mitigation Specific Plan and in a Transit Priority Area.

The proposed project includes the demolition of an existing one-story three-unit commercial building, and the construction of a six-story mixed-use commercial and residential building providing 42 apartment units, including a minimum of 4 units for Very Low Income Households, and 1,770 square feet of ground-floor retail. The project proposes a total of 54 vehicular parking spaces and a total of 44 long-term and 7 short-term bicycle parking spaces. The project consists of 20 vehicular parking spaces at the ground floor and 34 residential parking spaces in one subterranean parking level. The total project size is limited to 29,807 square feet, and the building will measure approximately 72 feet and 7 inches in height. The proposed project requests a haul route to export 6,000 cubic yards of soil. Two non-protected trees are being removed.

The proposed project will provide pedestrian-oriented retail, enhanced paving, off-street parking, bicycle parking, and planters to enhance this portion of Motor Avenue and Tabor Street. Parking access is located off the alley, opening Motor Avenue and Tabor Street for pedestrian and bicycle access only. Open space is provided in the form of front-facing private balconies along Motor Avenue and Tabor Street, an inner courtyard and outdoor deck on Level 2, and an outdoor deck on Level 6. The amenities on Level 2 include stained color concrete paving, steel frame seating areas, COR-TEN steel and built-in benches, 30-inch high steel planters, a green wall, portable barbecues, and fiberglass rectangular planters, as provided in Exhibit "A". Eight (8) new street trees will be planted along the sidewalk on Motor Avenue and Tabor Avenue per the Urban Forestry Division. The proposed project will provide a total of 51 bicycle parking spaces, and five percent (4 spaces) of the required vehicular parking will be configured as electric vehicle charging stations.

Pursuant to LAMC Section 12.22.A.25, the applicant requests a Density Bonus Compliance Review. In consideration of 4 affordable units, the applicant seeks one on-menu incentive: a 32.5 percent increase in Floor Area Ratio (FAR) from 1.5:1 to 1.98:1.

In accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), the applicant is proposing to utilize Section 12.22 A.25 (Density Bonus) of the Los Angeles Municipal Code (LAMC), which permits a density bonus of 35 percent. The project is requesting a density bonus of 32.5 percent. This allows for a maximum of 52 total dwelling units in lieu of the otherwise maximum density limit of 38 dwelling units on the property. A density bonus is automatically granted in exchange for the applicant setting aside a portion of dwelling units, in this case 4 units, for habitation by Very Low Income Households for a period of 55 years. Consistent with the Density Bonus Ordinance, the Applicant is also automatically granted a reduction in required parking based on two Parking Options, and a reduction based on the Bicycle Parking Ordinance. The Applicant selected Parking Option 1, which requires a total of 42 residential parking spaces. The Applicant also selected an automobile parking reduction based on the Bicycle Parking Ordinance. Based on the 10 percent automobile parking reduction with the replacement of bicycle parking spaces in excess of the normally required bicycle parking spaces, the proposed project shall provide a minimum of 38 automobile spaces and a minimum of 51 bicycle parking spaces.

Housing Replacement

With Assembly Bill 2222, applicants of Density Bonus projects filed as of January 1, 2015 must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control; or occupied by Low or Very Low Income Households. A Determination made by the Los Angeles Housing and Community Investment Department (HCIDLA) dated February 24, 2017 concluded that there are no residential units on the property within the last five years; AB 2222 does not apply to commercial structures, so no AB 2222 replacement affordable units are required. Per Density Bonus state law, the proposed project will be required to provide 4 units affordable to Very Low Income Households. This is reflected in the Conditions of Approval. Refer to the Density Bonus Legislation Background section of this determination for additional information.

LAMC Criteria

As permitted by LAMC Section 12.22 A.25 the applicant is requesting two incentives that will facilitate the provision of affordable housing at the site: a 32.5 percent increase in the allowable FAR from 1.5:1 to 1.98. Pursuant to LAMC Section 12.22 A.25 (e)(2), in order to be eligible for any on-menu incentives, a Housing Development Project (other than an Adaptive Reuse Project) shall comply with the following criteria, which it does:

- a. *The façade of any portion of a building that abuts a street shall be articulated with a change of material or a break in plane, so that the façade is not a flat surface.*

The proposed mixed-use development abuts two streets, Motor Avenue and Tabor Street, as well as a full 20-foot wide alley to the rear and side. As provided in Exhibit "A", the street-facing facades are articulated to modulate the building wall and create distinct breaks in the building plane. The building design incorporates a variety of recesses, stepbacks, and varied rooflines, and different materials to add architectural interest to the building and create distinct breaks in the building plane. The building façade is articulated horizontally to create distinct vertical components through the use of varied building planes and materials. The building materials include corrugated metal siding, longboard wood siding, cement plaster, clear anodized storefront system, steel canopies, glass guardrails, and perforated metal sun shades as provided in Exhibit "A". Together, these elements are applied to create sufficient breaks in plane and articulation.

- b. *All buildings must be oriented to the street by providing entrances, windows architectural features and/or balconies on the front and along any street facing elevation.*

The subject site has a frontage of approximately 100 feet along Motor Avenue and 150 feet along Tabor Street. The proposed project has one residential entrance and two commercial entrances along Tabor Street, with balconies along both Motor Avenue and Tabor Street. The vehicular entrance is provided along the rear alley that is accessed from Tabor Street. The proposed project includes many architectural features to help define the main entrances. For instance, the residential lobby is recessed to create a distinct break from the commercial storefront. The commercial entrances are accentuated through steel canopies and storefront system to create transparency at the ground floor along Tabor Street.

- c. *The Housing Development Project shall not involve a contributing structure in a designated Historic Preservation Overlay Zone (HPOZ) and shall not involve a structure that is a City of Los Angeles designated Historic-Cultural Monument (HCM).*

The proposed project is not located within a designated Historic Preservation Overlay Zone, nor does it involve a property that is designated as a City Historic-Cultural Monument.

- d. *The Housing Development Project shall not be located on a substandard street in a Hillside Area or in a Very High Fire Hazard Severity Zone as established in Section 57.25.01 of the LAMC.*

The project is not located in a Hillside Area, nor is it located in a Very High Fire Hazard Severity Zone.

The project proposes an allowance for a 1.98:1 Floor Area Ratio (FAR) in lieu of the normal maximum 1.5:1 FAR. The proposed project qualifies for a Density Bonus FAR increase because it is located within 1,500 feet of several transit stops as defined by LAMC Section 12.22.A.25. The subject site is located at the intersection of Motor Avenue and Tabor Street, and is served by a variety of transit options including the Metro Expo Line (806) Palms Station, which is located approximately 0.3 miles from the subject site, and is within 1,500 feet of Transit Stops served by Culver City Bus Line 3 and Big Blue Bus Lines 17 and Rapid 12.

DENSITY BONUS/AFFORDABLE HOUSING INCENTIVES COMPLIANCE FINDINGS

1. Pursuant to Section 12.22 A.25(c) of the LAMC, the Director shall approve a density bonus and requested incentive(s) unless the director finds that:

- a. The incentives are not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The list of on-menu incentives in 12.22 A.25 was pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the Director will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

The requested incentive, an increase in the Floor Area Ratio, is expressed in the Menu of Incentives per LAMC 12.22 A.25(f) and, as such, permit exceptions to zoning requirements that result in building design or construction efficiencies that provide for affordable housing costs. The requested incentive allows the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased. The incentive supports the applicant's decision to set aside 4 Very Low Income dwelling units for 55 years.

Floor Area Ratio Increase: The subject site is zoned C2-1 which allows 38 units on the 14,997 square foot site, with a maximum 1.5:1 Floor Area Ratio (FAR) and unlimited building height. The FAR Increase incentive permits a percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the proposed project qualifies for a maximum 2.025:1 FAR, the proposed project is actually providing a maximum 1.98 FAR and is proposing 29,782 square feet of floor area. The proposed 1.98:1 FAR creates 7,311 additional square feet.

FAR by-right	Buildable Lot Area (sf)	Total Floor Area (sf)
1.5:1	14,997	14,997 X 1.5= 22,495.5

FAR proposed	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
1.98:1	14,997	29,806.5	29,806.5- 22,495.5= 7,311

- b. *The Incentive will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

The proposed incentives will not have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to State CEQA Guidelines Article 19, Sections 15304 (Class 4) and 15332 (Class 32), and City CEQA Guidelines Article III, Section 1, Class 4 Category 1. The Class 32 Exemption is intended to promote infill development within urbanized areas.

The proposed project qualifies for a Categorical Exemption because it conforms to the definition of "In-fill Projects" as follows:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:***

The project is consistent with the following Elements of the General Plan: Framework Element, Land Use Element (Palms – Mar Vista – Del Rey Community Plan), Housing Element, and the Mobility Element.

Framework Element: The Citywide General Plan Framework is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Framework establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The Framework Element's land use designation of General Commercial has corresponding zones of C2 and [Q]C2. The subject site is designated for General Commercial land uses and zoned C2-1; therefore, the subject site is consistent with the Framework Element.

Land Use Element (Palms – Mar Vista – Del Rey Community Plan): The subject site is located within the Palms – Mar Vista – Del Rey Community Plan ("Community Plan"). The Community Plan designates the site for General Commercial land uses, which has corresponding zones of C1.5, C2, C4, RAS3, and RAS4. The subject site is zoned C2-1, and is therefore consistent with the Community Plan's land use designation. The C2-

1 zoning of the subject site allows for residential uses at R4 density, unlimited building height and a maximum Floor Area Ratio (FAR) of 1.5:1. The subject site has a lot area of approximately 14,997 square feet, which allows a by-right density 38 residential units in conjunction with LAMC Sections 12.14 A.1(a), 12.13.5 A.1, and 12.11, and up to a maximum of 52 residential units through the Density Bonus pursuant to LAMC Section 12.22 A.25 and Assembly Bill (AB) 2501. The proposed Project is for the construction of new six-story 42-unit mixed-use development containing 1,770 square feet of ground-floor retail and measuring 72 feet and 7 inches in height. The proposed uses, density, and height are allowed by the Community Plan's land use designation in combination with the site's zoning in combination with state Density Bonus law.

Housing Element: The Housing Element indicates that not only are more housing units needed to accommodate the City's growth, but that these units need to be a broader array of typologies to meet evolving household types and sizes. In addition, the Housing Element includes an Inventory of Sites for Housing (Housing Element Exhibit H) that identifies parcels suitable for additional residential development without the need for any discretionary zoning action by the City. The site's Assessor Parcel Number (APN # 4314014002) has been identified in the Inventory, and is therefore meeting Housing Element provisions of providing housing on these applicable sites. As mentioned, the proposed Project will demolish an existing commercial building and construct 42 new residential units. The proposed Project will therefore provide a net increase of 42 residential units within close proximity to jobs, transit, and other amenities including an elementary school. Pursuant to Density Bonus requirements, 4 of the total units will be reserved for Very Low Income households, and is therefore achieving the Housing Element goal of providing affordable units and promoting mixed-income developments.

Mobility Element: The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. The subject site is located at the intersection of Motor Avenue and Tabor Street, and is served by a variety of transit options including the Metro Expo Line (806) Palms Station, which is located approximately 0.3 miles from the subject site, as well as by local and regional bus lines operated by Culver City Bus, Big Blue Bus, Los Angeles Metro, and LADOT. Specifically, the subject site is within 1,500 feet of Transit Stops served by Culver City Bus Line 3 and Big Blue Bus Lines 17 and Rapid 12; and the subject site is within 0.5 miles from Transit Stops served by Metro Bus Lines 33 and 733, Big Blue Bus Line 5, and LADOT Line Commuter Express Line 431. The proposed Project will allow for a reduction of vehicle trips by placing high-density residential within proximity to public transit, as well as existing retail and amenities along Motor Avenue and the greater Palms neighborhood. Furthermore, the location of ground floor commercial uses and residential lobby will facilitate a pedestrian-oriented environment by providing transparency at the street level, thereby activating the streets. The project also involves the dedication of 3 feet along Motor Avenue and 5 feet along Tabor Street; therefore the building wall will be set back further from the street and allow for wider sidewalks to facilitate pedestrian activity. The proposed Project will also provide bicycle parking spaces in accordance with the Bicycle Parking Ordinance and LAMC Section 12.21 A.16 for residents and visitors, thereby facilitating bicycle ridership.

The subject site is also located within the West Los Angeles Transportation Improvement and Mitigation Specific Plan. The West Los Angeles Transportation Improvement and Mitigation Specific Plan does not address development issues. It identifies trip fee requirements for non-residential projects.

Consistent with the Palms – Mar Vista – Del Rey Community Plan and General Plan, the proposed 42-unit mixed-use development adds new mixed-income multi-family

housing to Los Angeles' housing supply in a neighborhood which is conveniently located to a variety of community services including transit stops. The project meets parking, yard, open space, and landscaping requirements, with modifications to allow additional FAR, and reduced parking through the Density Bonus Ordinance. Therefore, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:

The subject site is located in close at the intersection of Motor Avenue and Tabor Street in the Palms neighborhood. The development consists of a mixed-use project on a lot that is approximately 14,997 square feet (0.344 acres) in size, and is wholly within the City of Los Angeles.

The subject site is substantially surrounded by urban uses in close proximity to major arterials including Motor Avenue to the west and Palms Boulevard to the north. Lots adjacent to the subject site are zoned R3-1, C2-1, and [Q]PF-1XL, and are developed with low- to mid-rise multi-family and commercial uses. Neighboring lots to the east (across the alley) are zoned R3-1 and developed with multi-family uses. The lot to the north (across the alley) is zoned [Q]PF-1XL and developed with an elementary school. The subject site is also served by a variety of transit options including the Metro Expo Line (806) Palms Station, which is located approximately 0.3 miles from the subject site, as well as by local and regional bus lines operated by the Culver City Bus, Big Blue Bus, Los Angeles Metro, and LADOT. Therefore, it can be found that the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species:

The subject site is located within an established area that is fully-developed with a commercial corridor with low- to medium-density multi-family and commercial uses. The site is previously disturbed and surrounded by development. There are no protected trees on the site. The project does not involve the removal of healthy, mature, scenic trees because the trees being removed (palm) are not protected trees. Therefore, the site is not, and has no value as, a habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:

The proposed project replaces an existing one-story commercial building, adding 42 new housing units and 1,770 square feet of ground-floor commercial to the subject site.

Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 42 additional units to the community will result in no traffic impacts. The traffic impact analysis, prepared by Overland Traffic Consultants, Inc. dated May 1, 2017, concluded the Project will result in net project trip generation of 179 daily trips with thirty (30) a.m. peak hour trips and two (2) p.m. peak hour trips. The traffic impact analysis also indicated there will be no significant traffic impacts at the intersection of Motor Avenue and Palms Boulevard, at the intersection of Motor Avenue and Tabor Avenue, and at the driveway off of Linwood Avenue. The traffic impact analysis was reviewed by the Los Angeles Department of Transportation (LADOT). In a memo dated May 30, 2017, LADOT determined that the analysis adequately describes

the project-related impact of the proposed development. Therefore, the project will not have any significant impacts to traffic.

The Department of Building and Safety will require a haul route for the export of 6,000 cubic yards of soil in a Special Grading Area. Regulatory Compliance Measures (RCMs) include the submittal of a Geology and Soils Report to the Department of Building and Safety (DBS), and compliance with a Geology and Soils Report Approval Letter, issued by DBS on March 8, 2017 (LOG # 96213-01), which details conditions of approval that must be followed. In addition, the RCMs require that design and construction of the building must conform to the California Building Code, and grading on site shall comply with the City's Landform Grading Manual, as approved by the Department of Building and Safety Grading Division. According to Navigate LA, within 500 feet of the subject site, there is one other haul route application in conjunction with the construction of a new 5-story, 49-unit apartment building over 1 level of subterranean parking, located at 3628-3642 South Motor Avenue, which is currently pending. In light of the increase in construction activity in Grading Hillside Areas and the increase in associated truck traffic related to the import and export of soil, a haul route monitoring program is being implemented by the Department of Building and Safety for Council Districts 4 and 5 for added enforcement to ensure safety and to protect the quality of life of area residents. As part of this program, a haul route monitor is assigned to a geographic area to monitor haul routes and keep track of daily activities in order to minimize impacts to neighboring residents. Haul routes are tracked via a Map for each district to identify the locations of construction sites for which a haul route was required. The haul route approval will include RCMs and recommended conditions prepared by LADOT to be considered by the Board of Building and Safety Commissioners to reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Therefore, no foreseeable cumulative impacts are expected

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. The project must comply with the adopted City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. These RCMs will ensure the project will not have significant impacts on noise and water. As a result of this mandatory compliance, the proposed project will not result in any significant impacts on noise or water.

The building construction phase includes the construction of the proposed building on the subject property, which grading and a haul-route for the importing/exporting of approximately 6,000 cubic yards of dirt, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the subject property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM2.5 and PM10 emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the Project Site) would primarily generate NOx emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the Proposed Project during each phase of development, as required by SCAQMD Rule 403

- Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project, a 29,782-square foot mixed-use building will replace an approximately 6,768-square foot existing commercial building. The project will not result in significant impacts related to air quality because it falls below interim air threshold established by DCP staff. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Possible project-related air quality concerns will derive from the mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level.

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. The project will be subject to Regulatory Compliance Measures (RCMs) for pollutant discharge, dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

The subject property has a slope of less than 10 percent and is not in a waterway, wetland, or officially designated scenic area. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment.

Furthermore, the subject site is located within a Transit Priority Area (TPA) as defined by Public Resources Code (PRC) Section 21099(a)(7) and Zoning Information (ZI) File 2452, due to its location within one-half mile of a major transit stop. Therefore, pursuant to SB 743 and PRC Section 21099 (d)(1), "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a Transit Priority Area shall not be considered significant impacts on the environment". Therefore,

the project's aesthetic impacts, such as visual resources, aesthetic character, shade and shadow, light and glare, shall not be considered a significant impact on the environment for CEQA purposes.

(e) The site can be adequately served by all required utilities and public services:

The project site will be adequately served by all public utilities and services given that the construction of a mixed-use development will be on a site which has been previously developed and is consistent with the general plan. The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services through the net addition of 42 dwelling units.

The project and its related haul route application can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.

DENSITY BONUS LEGISLATION BACKGROUND

The California State Legislature has declared that "[t]he availability of housing is of vital statewide importance," and has determined that state and local governments have a responsibility to "make adequate provision for the housing needs of all economic segments of the community." Section §65580, subds. (a), (d). Section 65915 further provides that an applicant must agree to, and the municipality must ensure, the "continued affordability of all Low and Very Low Income units that qualified the applicant" for the density bonus.

With Senate Bill 1818 (2004), state law created a requirement that local jurisdictions approve a density bonus and up to three "concessions or incentives" for projects that include defined levels of affordable housing in their projects. In response to this requirement, the City created an ordinance that includes a menu of incentives (referred to as "on-menu" incentives) comprised of eight zoning adjustments that meet the definition of concessions or incentives in state law (California Government Code Section 65915). The eight on-menu incentives allow for: 1) reducing setbacks; 2) reducing lot coverage; 3) reducing lot width, 4) increasing floor area ratio (FAR); 5) increasing height; 6) reducing required open space; 7) allowing for an alternative density calculation that includes streets/alley dedications; and 8) allowing for "averaging" of FAR, density, parking or open space. In order to grant approval of an on-menu incentive, the City utilizes the same findings contained in state law for the approval of incentives or concessions.

California State Assembly Bill 2222 went into effect January 1, 2015, and with that Density Bonus projects filed as of that date must demonstrate compliance with the housing replacement provisions which require replacement of rental dwelling units that either exist at the time of application of a Density Bonus project, or have been vacated or demolished in the five-year period preceding the application of the project. This applies to all pre-existing units that have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control

(including Rent Stabilization Ordinance); or is occupied by Low or Very Low Income Households (i.e., income levels less than 80 percent of the area median income [AMI]). The replacement units must be equivalent in size, type, or both and be made available at affordable rent/cost to, and occupied by, households of the same or lower income category as those meeting the occupancy criteria. Prior to the issuance of any Director's Determination for Density Bonus and Affordable Housing Incentives, the Housing and Community Investment Department (HCIDLA) is responsible for providing the Department of City Planning, along with the applicant, a determination letter addressing replacement unit requirements for individual projects. The City also requires a Land Use Covenant recognizing the conditions be filed with the County of Los Angeles prior to granting a building permit on the project.

Assembly Bill 2222 also increases covenant restrictions from 30 to 55 years for projects approved after January 1, 2015. This determination letter reflects these 55 year covenant restrictions.

Under Government Code Section § 65915(a), § 65915(d)(2)(C) and § 65915(d)(3) the City of Los Angeles complies with the State Density Bonus law by adopting density bonus regulations and procedures as codified in Section 12.22 A.25 of the Los Angeles Municipal Code. Section 12.22 A.25 creates a procedure to waive or modify Zoning Code standards which may prevent, preclude or interfere with the effect of the density bonus by which the incentive or concession is granted, including legislative body review. The Ordinance must apply equally to all new residential development.

In exchange for setting aside a defined number of affordable dwelling units within a development, applicants may request up to three incentives in addition to the density bonus and parking relief which are permitted by right. The incentives are deviations from the City's development standards, thus providing greater relief from regulatory constraints. Utilization of the Density Bonus/Affordable Housing Incentives Program supersedes requirements of the Los Angeles Municipal Code and underlying ordinances relative to density, number of units, parking, and other requirements relative to incentives, if requested.

For the purpose of clarifying the Covenant Subordination Agreement between the City of Los Angeles and the United States Department of Housing and Urban Development (HUD) note that the covenant required in the Conditions of Approval herein shall prevail unless pre-empted by State or Federal law.

TIME LIMIT – OBSERVANCE OF CONDITIONS

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. Pursuant to LAMC Section 12.25 A.2, the instant authorization is further conditional upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.

Planning Department public offices are located at:

Downtown Office

*Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077*

Valley Office

*Marvin Braude Constituent
Service Center
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
(818) 374-5050*

West Office

*West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2912*

Only an applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property can appeal this Density Bonus Compliance Review Determination. Per the Density Bonus Provision of State Law (Government Code Section §65915) the Density Bonus increase in units above the base density zone limits and the appurtenant parking reductions are not a discretionary action and therefore cannot be appealed. Only the requested incentives are appealable. Per Section 12.22 A.25 of the LAMC, appeals of Density Bonus Compliance Review cases are heard by the City Planning Commission.

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either through the Department of City Planning website at <http://planning.lacity.org> or by calling (213) 482-7077 or (818) 374-5050. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP
Director of Planning


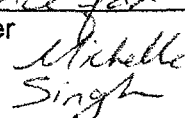
Approved by:


Faisal Roble, Principal City Planner

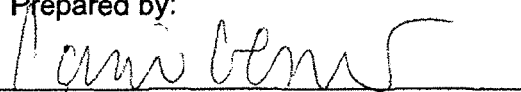
Reviewed by:


Debbie Lawrence, AICP, Senior City Planner

Reviewed by:


Michelle Singh, City Planner


Prepared by:


Connie Chauv, City Planning Associate
connie.chauv@lacity.org



FINDINGS / SPECIALIZED REQUIREMENTS

CLASS 32 CATEGORICAL EXEMPTION

WHAT IS A CEQA?

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions by conducting environmental review before making a determination on a project. Environmental review procedures are used to identify a project's potential impacts, develop ways to reduce those impacts, and report the results of the analysis to the public.

WHAT IS A CATEGORICAL EXEMPTION?

Every discretionary action requires environmental review pursuant to CEQA. However, the CEQA Guidelines include a list of classes of projects which have been determined to not have a significant effect on the environment, also known as Categorical Exemptions. If your project falls within one of these classes, it is exempt from the provisions of CEQA and no environmental review is required.

WHAT IS THE CLASS 32 CATEGORICAL EXEMPTION?

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the local General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. It may apply to residential, commercial, industrial, and/or mixed-use projects.

HOW DO I QUALIFY?

In addition to general statewide guidelines, all public agencies are required to adopt specific criteria, objectives and procedures for implementing CEQA. In the City of Los Angeles, the Class 32 Exemption is available only for projects that: (a) do not trigger Site Plan Review; or (b) trigger Site Plan review, but the Initial Study shows that a Negative Declaration may be adopted. The Class 32 Exemption *is not* available for any project that requires mitigation measures to reduce potential environmental impacts to less than significant. Additionally, there are exceptions to the exemptions depending on the nature or location of the project, pursuant to CEQA Section 15300.2. For a proposed project to qualify, you must be able to demonstrate that it does not fall under the following Exceptions:

- a. *The project and successive projects of the same type in the same place will result in cumulative impacts;*
- b. *There are unusual circumstances creating the reasonable possibility of significant effects;*
- c. *The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway;*
- d. *The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government code section 65962.5, as being affected by hazardous wastes or clean-up problems; or*
- e. *The project may cause a substantial adverse change in the significance of an historical resource.*

HOW DO I REQUEST A CLASS 32 EXEMPTION?

If your project does not fall under any of the Exceptions listed above, you may request a Class 32 Exemption by indicating on your Environmental Assessment Form (EAF) that you would like your project to be considered by checking the box under Section 5. As part of the preliminary review of the project, the Project Planner will determine whether it is eligible for a Class 32 Exemption. In order for the Project Planner to make such a determination, you will still need to file an EAF, demonstrate that your proposed project does not fall under one of the above Exceptions, and provide the CEQA justifications listed below.

WHAT DO I NEED TO SUBMIT?

When filing a request for the Class 32 Exemption, the following items are required:

1. An Environmental Assessment Form (EAF) (CP-1204), including required exhibits, materials and fees pursuant to Los Angeles Municipal Code (LAMC) Section 19.05. This includes the "Environmental Assessment Form (EAF)/Initial Study leading to Negative Declaration or Mitigation Negative Declaration". A "Publication Fee for Negative Declaration or Mitigated Negative Declaration" fee will not be charged unless it is determined that the project is not eligible for the Class 32 Exemption.
2. Any supporting documents and/or technical studies to corroborate your position that the proposed project is eligible for the Class 32 Exemption, and/or to further substantiate the justifications listed under Paragraph 3 below. Examples of supporting documents, and when they may be required, are listed below.
 - a. **Traffic Study.** A Traffic Study may be required for projects which exceed the Traffic Study Exemption Thresholds set by the Department of Transportation (DOT). In order to determine whether or not a Traffic Study is required, the Applicant shall submit a DOT Referral Form after case filing. If it is determined that a Traffic Study is required, the Applicant shall have one prepared and reviewed by DOT. A DOT Interdepartmental Correspondence Letter will be transmitted to Planning staff and must reflect that no significant traffic impacts will result from the proposed project in order for the project to qualify for the Class 32 Exemption.
 - b. **Air Quality (AQ) Study.** Working with the South Coast Air Quality Management District (SCAQMD), Department staff has established interim air quality screening criteria to determine if a project requires an Air Quality Assessment. The purpose of this assessment is to evaluate the regional significance of criteria pollutant emissions from both the construction and operation of a proposed project. The analysis is provided utilizing the California Emissions Estimator Model (CalEEMod). The selected screening criteria is based on a survey of published air quality studies for which the criteria pollutants did not exceed the established SCAQMD construction or operational thresholds.

If the proposed project has less than 80 residential units OR less than 75,000 square feet of non-residential use, AND involves less than 20,000 cubic yards of soil export, it will not likely exceed the SCAQMD construction or operational thresholds, and therefore will not require an Assessment. If your proposed project exceeds this screening criteria, an air quality assessment will be required. An Air Quality Study may also be required if prompted by the South Coast Air Quality Management District (SCAQMD), if the CE is challenged or if the project is particularly controversial. The applicant may voluntarily provide one if it is anticipated that this information will be requested by another party.

Please note this does not mean the project will have any significant impacts under CEQA, just that further analysis is required. The criteria can be used for all CEQA clearances, including Class 32 (Infill Development) exemptions pursuant to Section 15332 of the CEQA Guidelines.

- c. **Noise Study.** A Noise Study is not required. However, the applicant must provide substantial evidence that there will not be significant noise impacts as this will disqualify them from eligibility for the Class 32 Exemption (see State CEQA Guidelines Sections 15064(b) and 15064.7). LAMC Chapter XI, Article 2, Section 112.05 on construction noise may be used to demonstrate that the project will not result in a significant impact. Under this standard, the applicant must at minimum demonstrate compliance with LAMC Section 112.05. The record evidence would need to support the conclusion that construction noise

would not exceed the 75 dBA limitation in 112.05. If necessary, features to reduce noise to below-threshold levels (75 dBA) can be incorporated into the project design. If, however, the applicant cannot demonstrate to the City's satisfaction (pursuant to the evidentiary requirements of CEQA) that construction noise will be reduced to below-threshold levels (75 dBA) then a MND or EIR would be appropriate.

- d. **Phase I and/or II Environmental Site Assessment (ESA).** A Phase I ESA may be required if the project site was previously developed with a dry cleaning, auto repair, gasoline station, industrial/manufacturing use, or other similar type of use that may have resulted in site contamination. If the Phase I ESA states that the site is contaminated, a Phase II ESA will be required. Only if the Phase II ESA demonstrates that the site has been fully remediated without mitigation is the project still eligible for the Class 32 Exemption.
- e. **Historic Resource Assessment.** A Historic Resource Assessment may be required if the Project site is listed on the National Register of Historic Place, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register; or is found to be a potential historic resource in HistoricPlacesLA, SurveyLA or based on discussion with the Office of Historic Resources. If it can be demonstrated that the project complies with the Secretary of Interior's Standards, the project may still be eligible for the CE. An historic resource impact report may be required.

3. Written justification that the proposed Project meets the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

As mentioned above, technical studies may be required in order to substantiate the above justification. If they are not submitted with your application, they may be requested by the Project Planner prior to acceptance of the Class 32 Exemption. Note also that the assigned Project Planner will determine what CEQA clearance will ultimately be required after the request has been submitted.

**City of Los Angeles
Department of City Planning**

Affidavit of Mailing

Case Number: DIR-2016-4880-DB

This Affidavit concerns (check one of the following):

- ☐ **Public Hearing**
- ☐ **Staff Report / Appeal Staff Report**
- ☒ **Determination / Letter of Decision (LOD)**

I, Moira Gomez, certify that I am an employee of the City of Los Angeles,
on September 1 2017, mailed, postage prepaid, to the applicant
(Date)

and all parties required by the Municipal Code, as indicated below, on the case
indicated above, a true copy of which is attached:

Public Hearing

Check Recipients Below:

- ☐ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ 100-foot Radius
- ☐ 500-foot Radius
- ☐ HPOZ or DRB Board
- ☐ Council Office No. _____
- ☐ Certified Neighborhood Council
- ☐ 100-foot Coastal Notice
- ☐ Group Coastal Notice
- ☐ State Coastal Commission
- ☐ Adjacent City/ies
- ☐ Los Angeles Unified School District
- ☐ Caltrans
- ☐ Other _____

**Staff Report / Appeal /
Determination / Letter of Decision**

Check Recipients Below:

- ☒ Owner, Applicant and Representative
- ☒ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ Persons who signed in at the hearing
- ☐ Persons who requested notice in writing
- ☒ Council Office No. 5
- ☒ Certified Neighborhood Council
- Palms
- ☒ Department of Building and Safety
- ☒ Department of Transportation
- ☒ Other BOE, DONE

Moira Gomez
Staff Signature

**City of Los Angeles
Department of City Planning**

Affidavit of Mailing

Case Number: DIR-2016-4880-DB (Application Deemed Complete)

This Affidavit concerns (check one of the following):

- ☐ **Public Hearing**
- ☐ **Staff Report / Appeal Staff Report**
- ☒ **Determination / Letter of Decision (LOD)**

I, Megan Malone-Brown, certify that I am an employee of the City of Los Angeles,
on August 14, 2017, mailed, postage prepaid, to the applicant
(Date)

and all parties required by the Municipal Code, as indicated below, on the case
indicated above, a true copy of which is attached:

Public Hearing

Check Recipients Below:

- ☐ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ 100-foot Radius
- ☐ 500-foot Radius
- ☐ HPOZ or DRB Board
- ☐ Council Office No. _____
- ☐ Certified Neighborhood Council
- ☐ _____
- ☐ 100-foot Coastal Notice
- ☐ Group Coastal Notice
- ☐ State Coastal Commission
- ☐ Adjacent City/ies
- ☐ Los Angeles Unified School District
- ☐ Caltrans
- ☐ Other _____

**Staff Report / Appeal /
Determination / Letter of Decision**

Check Recipients Below:

- ☒ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ Persons who signed in at the hearing
- ☐ Persons who requested notice in writing
- ☒ Council Office No. 5
- ☐ Certified Neighborhood Council
- ☐ _____
- ☐ Department of Building and Safety
- ☐ Department of Transportation
- ☐ Other _____


Staff Signature

**City of Los Angeles
Department of City Planning**

Affidavit of Mailing

Case Number: DIR-2016-4880-DB - Hold Notice

This Affidavit concerns (check one of the following):

- ☐ **Public Hearing**
- ☐ **Staff Report / Appeal Staff Report**
- ☒ **Determination / Letter of Decision (LOD)**

I, Moira Gomez, certify that I am an employee of the City of Los Angeles,
on January 31, 2017, mailed, postage prepaid, to the applicant
(Date)

and all parties required by the Municipal Code, as indicated below, on the case
indicated above, a true copy of which is attached:

Public Hearing

Check Recipients Below:

- ☐ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ 100-foot Radius
- ☐ 500-foot Radius
- ☐ HPOZ or DRB Board
- ☐ Council Office No. _____
- ☐ Certified Neighborhood Council
- ☐ _____
- ☐ 100-foot Coastal Notice
- ☐ Group Coastal Notice
- ☐ State Coastal Commission
- ☐ Adjacent City/ies
- ☐ Los Angeles Unified School District
- ☐ Caltrans
- ☐ Other _____

**Staff Report / Appeal /
Determination / Letter of Decision**

Check Recipients Below:

- ☒ Owner, Applicant and Representative
- ☐ Abutting Property Owners
- ☐ Abutting Property Owners and Tenants
- ☐ Persons who signed in at the hearing
- ☐ Persons who requested notice in writing
- ☐ Council Office No. _____
- ☐ Certified Neighborhood Council
- ☐ _____
- ☐ Department of Building and Safety
- ☐ Department of Transportation
- ☐ Other _____


Staff Signature

1 **STATE OF CALIFORNIA** } **ss.**
2 **COUNTY OF LOS ANGELES** }

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
4 not a party to the within action; my business address is: 3435 Wilshire Blvd., Suite 2910, Los
Angeles, CA 90010

5 On December 12, 2017, I served the following Document(s): **CEQA APPEAL of Case No. DIR-**
6 **2016-4880-DB; ENV-2016-4881-CE and EXHIBITS (001001 through 001137)** upon the
interested parties in this action addressed as follows:

7 8 9 10 11 12 13 14 15	CITY OF LOS ANGELES CITY COUNCIL via CITY CLERK 200 N. Spring St, Rm 395 Los Angeles, CA 90012 TEL: (213) 978-1133 <u>Clerk.CPS@lacity.org</u> (*via email & certified mail)	HIRO KOBAYASHI 3568 MOTOR LLC 800 S. FIGUEROA ST #960 LOS ANGELES, CA 90017 Tel: (213) 488-9039 <u>3568Motor@RBMofCA.com</u> (*via email & certified mail)	DAYNA SAYLES three6ixty 4309 Overland Ave. Culver City, CA 90230 Tel. (310) 204-3500 <u>info@three6ixty.net</u> (via email only)
16 17 18 19 20 21 22 23 24	PAUL KORETZ, CD 5 CITY HALL 200 N SPRING ST #440 LOS ANGELES, CA 90012 Tel. (213) 473-7005 <u>paul.koretz@lacity.org</u> (via email only)	VINCENT P. BERTONI, AICP DIRECTOR LA DEPT of CITY PLANNING 200 N. SPRING ST, RM 525 Los ANGELES, CA 90012 Tel. (213) 978-1271 <u>vince.bertoni@lacity.org</u> (*via email & certified mail)	DAVID R. HOLMQUIST, ESQ. LAUSD GENERAL COUNSEL 333 South Beaudry Ave Los Angeles, CA 90017 P: (213) 241-7600 <u>David.Holmquist@lausd.net</u> (via email only)

16 ☐ (Via Hand Delivery) I caused hand-delivered service of the above-mentioned materials upon
17 the above-mentioned recipient(s) as addressed by leaving the materials with the person indicated, or
18 with a person, of the age of majority, apparently responsible for the premises.

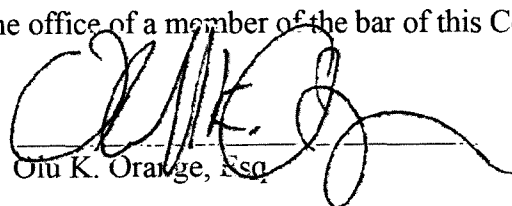
19 ☒ (Via U.S. Mail [Federal or State]) I am readily familiar with the practice for the collection
20 and processing of correspondence for mailing with the UNITED STATES POSTAL SERVICE; such
21 envelope will be deposited with the UNITED STATES POSTAL SERVICE on the above date
22 according to ordinary business practices.

23 ☒ (Via Email) By transmitting from my business address a true copy thereof from my sending
24 computer addressed to each individual at its receiving computer email address set forth above at the
25 time indicated on the transmission line thereon.

26 Executed on December 12, 2017, at Los Angeles, California.

27 ☒ (State) I declare under penalty of perjury under the laws of the State of California that the
28 above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this Court at
whose discretion the service was made.


Olu K. Orange, Esq.